

REC 8

61-190-1084

October 1, 1964

EX 109

28

El Cajon, California 92020

b6
b7C

Dear Mr. [redacted]

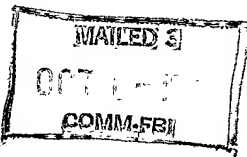
Your letter of September 26th has been received.

While I would like to be of service to you, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. Therefore, I trust you will understand why I am not in a position to be of help in this instance and hope you will not infer either that we do or do not have data in our files relating to the organization you mentioned.

Enclosed is some literature I trust will be of interest.

Sincerely yours,

J. Edgar Hoover



Enclosures (4)

Faith in Freedom
Let's Fight Communism Sanely
4-1-61 LEB Introduction
4-17-62 Internal Security Statement

NOTE: Correspondent and Parents for Prayer are not identifiable in Bufiles. The American Civil Liberties Union with headquarters in New York City has not been investigated by the Bureau. The Los Angeles Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle Chapter has recommended an investigation of the FBI. SAC Letter 58-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau. (61-190-834)

- Tolson _____
- Belmont _____
- Mohr _____
- Casper _____
- Callahan _____
- Conrad _____
- DeLoach _____
- Evans _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐ DTP:med (3)

Oct 1 4 34 PM '64
REC'D-READING ROOM
FBI

[Handwritten signatures and initials]

2E
[redacted]
El Cajon, Calif. 92020

September 26, 1964

b6
b7C

Mr. J. Edgar Hoover, Director
The Federal Bureau of Investigation
Washington 25, D. C.

Dear Mr. Hoover:

Recently in our community three school board trustees were recalled, largely as a result of the efforts of an organization named "Parents for Prayer", because they adopted, on the advice of the County attorney, a policy prohibiting prayers authorized and/or led by any school authority, even though they encouraged, in their policy statement, voluntary prayer or meditation at appropriate times during the school day.

During the campaign one of the candidates (who subsequently has been elected because, he claims, God tipped the balance in his favor), in a radio-telephone conversation with me, maligned, in my judgment, the American Civil Liberties Union by referring to its members as "Godless" and by insinuating that the Union is at least sympathetic with, if not actually a front for, the cause of Communism because its attorneys defend more people of an extreme left-wing persuasion than any others. When I pointed out that the ACLU is largely a legalistic organization dedicated to the defense of anyone's civil liberties (even of an American Nazi's), that for some time there has been more organized and vocal opposition in America to the threat from the left than to the threat from the right, and that every modern President, including Mr. Johnson, has lauded the work of the ACLU, my antagonist answered, "Write to J. Edgar Hoover!".

Hence this letter. It would be much appreciated if you could give me a brief report on the historical and current status of the ACLU in regard to this alleged sympathy with Communism. I am deeply concerned with this matter as (a) an interested citizen, (b) a member of the ACLU who does not want to be a dupe, and (c) a parent who fears that the new trustees may lead children and adults in the direction of violating a decision of our highest court. 1

Thank you.

REC 8

61-190-1084

b6
b7C

EX 109

18

Sincerely yours,

[redacted]

26 SEP 11 13 AM '64

[redacted]

CONFIDENTIAL

ack 10-1-64
DTPH:mud

Seattle, Wn. Oct. 10th, 1964

2E

Mr. J. Edgar Hoover,
c/o F.B.I.,
Washington, D.C.

Dear Mr. Hoover:

Would you kindly advise me as soon as possible,
the exact status of the American Civil Liberties Union in the
State of Washington as to its relation to communism.

According to their constitution or the objects of
their organization - it sounds very communist or on the "pink" side
very definitely.

I would appreciate an early reply,

Sincerely yours,

b6
b7C

2E

Seattle 7, Wn.

ack 10/21/64
EFT: def
Mm

OCT 12 11 39 AM '64

REC-23

CORRESPONDENCE

61-190-1085

OCT 22 1964

EOT-X

EX 101

61-190-

October 9, 1964

REC-32

94-4-5366-180

Mr. Morris L. Ernst
Greenbaum, Wolff and Ernst
285 Madison Avenue
New York, New York 10017

REC'D-READING ROOM
FBI

OCT 9 1 40 PM '64

Dear Mr. Ernst:

Your letter of October 7th, with enclosure, has been received in Mr. Hoover's absence from the city. You may be sure it will be brought to his attention upon his return.

I know he would want me to tell you that he appreciates your staunch support.

Sincerely yours,

Helen W. Gandy
Secretary

MAILED 3
OCT 9 - 1964
COMM-FBI

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94-4-5366-180

NOTE: Mr. Ernst was formerly included on the Special Correspondents' List but was deleted in accordance with Mr. Tolson's instructions. He was one of the attorneys hired by the Dominican Republic to conduct an investigation into the disappearance of Dr. Jesus de Galindez. He appeared before the Executive Session of the Senate Judiciary Subcommittee concerning this case and during the course of his testimony claimed to have been very close to the Director, whom he described as a "treasured friend." It was reported to the Bureau 5-27-59 that Ernst had alleged to be J. Edgar Hoover's personal attorney. Any mail from Ernst during the recent past has been acknowledged by in-absence letters. It is felt that in spite of his defending the Director regarding the Warren report that the policy of in-absence letters should continue. He is obviously trying to curry the Director's favor and any correspondence to him over the Director's signature may bring about a repetition of his referring to the Director as a close, personal friend and ill-advised statements to the effect that the correspondent is the Director's attorney.

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

WAM:mc (3)

XEROX
OCT 14 1964

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B. J. L.

70 OCT 29 1964

TELETYPE UNIT

LAWRENCE S. GREENBAUM (1915-1951)

EDWARD S. GREENBAUM
MORRIS L. ERNST
LEO ROSEN
HARRIET F. PILPEL
WILLIAM F. WOLFF, JR.
WIRTH H. KOENIG
MAURICE C. GREENBAUM
HERBERT A. WOLFF, JR.
JOHN A. WIENER
FREDERIC S. NATHAN
RICHARD M. ADER
ALAN U. SCHWARTZ
ROGER BRYANT HUNTING

GREENBAUM, WOLFF & ERNST

285 MADISON AVENUE

NEW YORK, N. Y. 10017

AREA CODE 212 - MU 5-1582

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Evans
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

October 7th, 1964

Hon. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D.C.

My dear Edgar:

Your loyal and fast friend, Irving Ferman, discussed with me your position as stated in regard to the Warren Report. I thought it might not be inappropriate to send to you for your eyes alone a copy of a letter that I have sent to the American Civil Liberties Union.

It is too long since I have chatted with you.

Best.

Yours,

Morris L. Ernst

61-190
NOT RECORDED
199 OCT 28 1964

REC-32

OCT 13 1964

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ENCLOSURE

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LAWRENCE S. GREENBAUM (1915-1951)

GREENBAUM, WOLFF & ERNST

285 MADISON AVENUE

NEW YORK, N. Y. 10017

AREA CODE 212 - MU 5-1582

HERBERT A. WOLFF
COUNSEL

CABLES
"GREWOLFFERN"
"MORERNST"

EDWARD S. GREENBAUM
MORRIS L. ERNST
LEO ROSEN
HARRIET F. PILPEL
WILLIAM F. WOLFF, JR.
WIRTH H. KOENIG
MAURICE C. GREENBAUM
HERBERT A. WOLFF, JR.
JOHN A. WIENER
FREDERIC S. NATHAN
RICHARD M. ADER
ALAN U. SCHWARTZ
ROGER BRYANT HUNTING

PLATT V. KETCHAM
JULIA PERLES
NANCY F. WECHSLER
IRWIN JAY ROBINSON
EDWARD S. SCHLESINGER
JOSEPH ERDMAN
JACK KAPLAN
HENRY M. DI SUVERO
LAWRENCE W. HANDEMAN
LEONARD WEINSTEIN
EDWARD R. BENNETT

October 7th, 1964

John de J. Pemberton, Jr.,

American Civil Liberties Union

156 Fifth Avenue

New York, N.Y.

My dear Jack:

I telephoned yesterday because I think it most important that the ACLU address itself promptly, without a lengthy committee study, to several points raised by J. Edgar Hoover as a result of the Warren Report.

I think the ACLU must support Hoover in his consistent, firm position against a national police. Whenever good people find their local police ineffective, they shout for Hoover to come into town. If Hoover comes to town when they don't like it, they raise hell with him. In the second place, I think our people have gone hysterical in trying to seek total protection for the President. I imagine in New York City there must be thousands of suspects, mainly the partially mentally deranged who might imperil the life of the President, the Chief Justice or the Vice-President. If we are not careful the public pressure on Hoover as a result of the Warren Report may insist that our government have hundreds of policemen acting as private and unsuspecting wardens or guards of persons on the suspected list, which of necessity will have to include great quantities of letter writers. If the pressure forces our society into such a degree of perfection, we will either go further toward a police state or develop cynicism because of the failure to protect in situations where protection is impossible.

I do hope the union can speak forcefully and promptly if it be no more than the release of a letter raising questions.

Yours,

Morris L. Ernst

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OCT 14 1964

XEROX

LAWRENCE S. GREENBAUM (1915-1951)

EDWARD S. GREENBAUM
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ROGER BRYANT HUNTING

GREENBAUM, WOLFF & ERNST

285 MADISON AVENUE

NEW YORK, N. Y. 10017

AREA CODE 212 - MU 5-1582

Mr. Tolson ☒
Mr. Belmont ☒
Mr. Mohr ☒
Mr. DeLoach ☒
Mr. Casper ☒
Mr. Callahan ☒
Mr. Conrad ☒
Mr. Evans ☒
Mr. Gale ☒
Mr. Rosen ☒
Mr. Sullivan ☒
Mr. Tavel ☒
Mr. Trotter ☒
Tele. Room ☒
Miss Holmes ☒
Miss Gandy ☒

October 8th, 1964

Hon. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D.C.

My dear Edgar:

For your eyes alone I am sending a copy
of letter addressed by Mr. Pemberton, of the ACLU, (American Civil Liberties Union)
to Osmond K. Fraenkel. I am also sending a copy
to Irv Ferman, who put me to work on this little
chore.

Yours,

Morris L. Ernst

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161-190
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199 OCT 27 1964

69 OCT 29 1964

10 OCT 26 1964

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AMERICAN CIVIL LIBERTIES UNION

156 FIFTH AVENUE
NEW YORK 10, N. Y.

October 7, 1964

Osmond K. Fraenkel, Esq.
120 Broadway
New York 5, N.Y.

Dear Osmond:

Further to our correspondence and discussion concerning the Warren Commission Report I am writing to ask if you would take on the drafting of a proposed statement of ACLU's comments on the civil liberties issues raised by the report.

It occurs to me that these issues are three:

(1) The prejudicial publicity.

Here the report seems to endorse all of the criticism we issued in our December 6th statement. Since we have not since then been able to resolve our views as to what remedial measures should be adopted (whether limited to measures imposing restraint on the law enforcement agencies and prosecutors or whether restraints on the representatives of the media themselves should be added), there may be little else we can say.

(2) The interrogation of Oswald and the protection of his right to counsel.

I have the impression that the report here offers little but conclusions that Oswald's rights were recognized. It would seem to me that we would have doubts as to, factually, whether prolonged or oppressive interrogation occurred, and, in principle, whether mere mention of a right to counsel during the course of an arraignment that was not public and the interview with Louis Nichols of the Dallas Bar Association, the opportunities afforded him to make a telephone call to John Abt and to request his relatives to do so, afforded sufficient recognition of his right to counsel. Here again is an issue which we raised in our December 6th statement; I am not sure whether the report answers the questions we asked.

61-190 -
ENCLOSURE

October 7, 1964

(3) Impairment of individual liberty in efforts to protect the security of the President..

From what I have seen (e.g., recommendations 1, 4(a), 7, and 11 of chapter one, on page 3 of the newspaper copy; and the discussion of "preventive intelligence" in chapter VIII, pages 35 and 36 of the newspaper copy) I agree that the Commission does not recommend preventive detention of defectors, subversives and other suspicious characters. However, I haven't seen the report explicitly negative such preventive detention. And what is more serious, I think excessively security minded individuals (especially among law enforcement agencies) may well read into the recommendations a justification for taking risks with police practices that may well result in (1) harassment of such suspicious characters, and (2) leaks of information that they are on security lists by reason of their associations, political beliefs, or even presumed psychiatric quirks. The risk, as I see it, may arise out of the insistence upon a much larger screening of potential undesirables, requiring the participation of additions to the Secret Service force who may be less well trained and cooperation of local law enforcement officers who may be relatively untrained and insensitive to principles of individual liberty. The report, of course, calls for such substantial increase in the numbers of names to be submitted to and screened by the Secret Service and explicitly calls for use of local law enforcement agencies in evaluating these names and taking preventive measures.

I don't think we need to criticize the report, or charge its authors with civil liberties insensitivity, in order to make the point that national preoccupation with security of the President may well endanger other important national values. I think Mr. Hoover, in his testimony released last Friday, makes our point for us quite well.

Very sincerely,

John de J. Pemberton, Jr.
Executive Director

JdeJP:ahs

CC: Alan Reitman

P.S. Morris Ernst called in reference to Mr. Hoover's testimony. He thinks it would be very valuable if the ACLU came out now with a letter (not just a statement) to Hoover, the press and the Warren Commission, etc., supporting Hoover's recommendations to the Warren Commission, especially on these two points:

1. There is a very real and great danger that if total protection for the President is demanded, we will become a police state. In reality total protection is impossible - unless every suspect is followed and every building searched, etc. This is dreadful!

2. The FBI should not be called in for every little thing, for this is dangerous in terms of leading to a police state, and also the local police rely on the FBI instead of being a first-rate force themselves.

October 21, 1964

REC-23

61-190-1085

EOI-X3

2E

Seattle 7, Washington

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Dear Mr. [redacted]

Your letter of October 10, 1964, has been received.

With respect to your inquiry regarding the American Civil Liberties Union, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only.

I hope you will understand my inability to comment in the manner you suggested.

Sincerely yours,

J. Edgar Hoover

OCT 21 3 33 PM '64
REC'D-REAR

MAILED 25

OCT 21 1964

COMM-FBI

NOTE: Bufiles contain no references identifiable with correspondent. The American Civil Liberties Union with headquarters in New York City has not been investigated by the Bureau. The Los Angeles Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle Chapter has recommended an investigation of the FBI. SAC letter 58-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau.

(61-190-834)

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OCT 29 1964

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EX-114

REC-33

61-190-1086

November 24, 1964

25
[Redacted]
Ferndale, Washington

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Dear Mrs. [Redacted]
(19.)

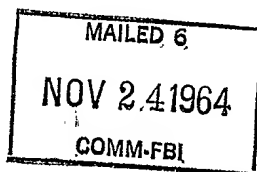
Your letter of November 17th has been received and I want to thank you for the kind remarks you made.

Although I would like to be of service, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. In view of this I am sure you will understand why I cannot comment concerning the American Civil Liberties Union. I hope you will not infer either that we do or do not have data in our files relating to this organization.

I am enclosing a list of organizations designated by the Department of Justice as subversive pursuant to Executive Order 10450. You may also be interested in securing a copy of "Guide to Subversive Organizations and Publications," prepared by the House Committee on Un-American Activities. This booklet lists groups and periodicals which have been cited by various state and Federal agencies, and this can be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402, for 70 cents.

I am enclosing some additional material on the subject of communism which I hope you will find of interest.

Sincerely yours,



J. Edgar Hoover

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Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
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Tele. Room _____
Holmes _____
Gandy _____

Enclosures (5)

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See note and enclosures next page.

DEC 1 1964

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FBI

NOV 24 1 20 PM '64

RECEIVED DIRECTOR

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2E Mrs.

Enclosures

Organizations Designated Under Executive Order No. 10450

Counterintelligence Activities

"Faith in God--Our Answer To Communism"

Let's Fight Communism Sanely!

The U. S. Businessman Faces the Soviet Spy

NOTE: Correspondent is not identifiable in Bufiles. The American Civil Liberties Union has not been investigated by the Bureau. The Los Angeles Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities, and, in 1958 the Seattle Chapter recommended an investigation of the FBI.

November 17, 1964
Ferndale, Washington

2E

J. Edgar Hoover
F.B.I.
Washington D.C.

Dear Mr. Hoover;

American

I am writing in regard to the Civil Liberties Union.

I have read where the California Senate Investigating Committee has listed the Civil Liberty Union as a Communist Front Organization which I agree with very much, as to the work they are doing to promote Communism.

Has this organization been investigated? Or do you have any information on them? As I am very anxious to find out who they are working for; since it's founder Mr. Baldwin professed to like Communism, and it is his aim, for us. He was also given special greetings on his 80th birthday by President Johnson.

I don't suppose I have to tell you about him, as you are the expert on the Communist menace to this country.

I know many of our Government offices are filled with ACLU members.

Another matter I would like to know is: Why isn't there a list published on Subversive Organizations so we the American people would know who to look out for.

I love God and this Country, and it makes me ill to see the Communists working so boldly to steal this Country from us.

We all know you are a devoted American and we put all the trust possible in you. We know Gods will (Will be done) if this is what's to be for our Country, but pray he will keep us from this Evil force.

Please if it is possible would you send me the information on the American Civil Liberties Union.

REC-33

61-190-1086

Thank you very much for your time and hope I didn't inconvenience you.

NOV 25 1964

Very truly yours

Ferndale, Wash.

EX-114

b6
b7C

2E

CONFIDENTIAL

M74

"Not merely to defend freedom
To extend its writ
To strengthen its covenant"

John F. Kennedy,
Inaugural Address

'65
EXPANSION
DRIVE

AMERICAN
CIVIL
LIBERTIES
UNION

Dear Fellow Member:

The New York Civil Liberties Union - and ACLU branches across the country - are engaged in an expansion program of major proportions. Enclosed, is a special issue of the ACLU newsletter which sketches the broad outlines of that program.

In particular, we want to call your attention to the establishment of an ACLU Southern Regional Office. The work of this office will provide a dynamic new presence in the South. It will provide a rallying point for those courageous attorneys and others in the South who will speak out and defend civil liberties. It will give every individual, white or Negro, whose civil liberties are violated, some place to turn.

The New York Civil Liberties Union is committed to carrying a major share of the cost of this significant extension of the ACLU's work in the South.

The major focus of our expansion program in New York will be a much needed systematic effort to improve the administration of criminal justice - in the station house, the court house and the jail house. This effort will require a sharp increase in NYCLU's legal strength.

A pledge program - with the opportunity for quarterly payments - has been inaugurated by the ACLU to facilitate increased membership contributions. Members who join the pledge program will be billed as their payments fall due. They will not receive regular renewal notices.

Will you pledge a contribution of \$10 each quarter in 1965 - or whatever you can afford - to enable the ACLU to translate its expansion plans into reality? May we count on your generosity?

"Civil Liberties,"
Nov. 1964, # 220
detached, routed,
filed in Div. 1
11-23-64
AMB.

REC-13

Sincerely,

Victor Gettner
Chairman

1 NOV 25 1964

66 DEC 3

NEW YORK CIVIL LIBERTIES UNION / 156 Fifth Avenue / New York 10010

11/23

RESEARCH SATELLITE SECTION

Mr. R.W. SMITH	Mr. Teating	Mr. Vizas
Mr. R.W. Corman	Mr. Meehan	Mr. Wallace
Mr. Abernathy	Mr. O'Rourke	Miss Chamberlain
Mr. Callahan	Mr. Schwartz	Miss Ford
Mr. Flemister	Mr. J.M. Sizoo	Mr. Howe
Mr. Garner	Mr. Shoaff	Miss Lucey
Mr. Huelskamp	Mr. Tansey	Miss Maddox
Mr. Kavanagh	Mr. Thomas	Mrs. Whalen

Internal Security Section

MR. F.J. BAUMGARDNER	Mr. Gray	Mr. Rosack
Mr. C.D. Brennan	Mr. Kleinkauf	Mr. Ryan
Mr. Basher	Mr. Phillips	Mr. Simpson
Mr. Denz	Mr. Reddy	Mr. _____
Mr. Freund		

Liaison Section

MR. D. J. BRENNAN, JR.	Mr. Papich	Mr. _____
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Nationalities Intelligence Section

MR. W.R. WANNALL	Mr. Little	Mr. Mossburg
Mr. R.D. Cotter	Mr. Meier	Mr. Mullins
Mr. Atkinson	Mr. _____	Mr. Ruehl
Mr. A.R. Jones	Mr. G.C. Moore	Mr. Wacks
Mr. _____	Mr. _____	Mr. _____

Soviet Section

MR. W.A. BRANIGAN	Mr. Litrento	Mr. Turner
Mr. Aull	Mr. McWilliams	Mr. Whitson
Mr. Lee	Mr. W.L. Smith	Mr. Yatteau
Mr. Linton	Mr. Torrillo	Mr. _____

Subversive Control Section

MR. J.F. BLAND	Mr. _____	Mr. Jackson
Mr. Coakley	Mr. Glascock	Mr. Pettit
Mr. Coll	Mr. _____	Mr. Preusse
Mr. Floyd	Mr. Haack	Mr. Rushing
Mr. Forsyth	Mr. Higgins	Mr. Trainor

Civil Rights, Division VI

MR. C.L. MCGOWAN	MR. DOWNING, ANNEX
Mr. Lavin	BUREAU LIBRARY
Mr. Martindale	PUBLICATIONS FILES, I.B.
Mr. Trent	NOTE & RETURN TO:
	MISS BUTLER, Rm _____ RB
	M _____

MR. H.L. EDWARDS

Crime Records Division

MR. M.A. JONES	Mr. Suttler	Mr. Stukenbroeker
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Indicate if summary(s) or full translation (f) is desired by placing symbol and your initials next to article in Table of Contents. Publication File material may be marked for very limited indexing only. DO NOT CLIP

I thought you might wish to file
This letter.

SUPERVISOR

Room 639 R.B.

FEDERAL BUREAU OF INVESTIGATION

11/30, 1964

☒ Director ☒ Mr. Jones, 4264
☒ Mr. Tolson, 5744 ☐ Mr. Fulton
☐ Mr. Belmont, 5736 ☐ Mr. Gunn
☐ Mr. Mohr, 5525 ☐ Mr. Hanning
☐ Mr. DeLoach, 5636 ☐ Mr. Healy
☐ Mr. Casper, 5234 ☐ Mr. Heim
☐ Mr. Callahan, 5515 ☐ Mr. Rebein
☐ Mr. Conrad, 7621 ☐ Mr. Stukenbroeker
☐ Mr. Evans, 1742 ☐ Mr. Suttler
☐ Mr. Gale, 5256 ☐ Mr. Morrell, 4718
☐ Mr. Rosen, 5706 ☐ Mr. Malmfeldt
☐ Mr. Sullivan, 807 RB ☐ Mr. Stapleton, 1734
☐ Mr. Tavel, 7746 ☐ Mr. Daunt, 320 OPO
☐ Mr. Trotter, 4130 IB
☐ Mr. Clayton, 5744 ☐ Mr. Kemper, 5632
☐ Mr. Cleveland, 1246 ☐ Mr. Leinbaugh, 5634
☐ Miss Gandy, 5633 ☐ Mr. Wick, 5642
☐ Miss Holmes, 5633
☐ Mr. Hyde, 5525
☐ Miss Beals
☐ Mrs. Johnson
☐ Miss Lurz
☐ Miss Piper
☐ Miss Robosky
☐ Miss Southers
 Room _____
☐ Courier Service, 1522 ☐ See Me
☐ Mail Room, 5531 ☐ Call Me
☐ Reading Room 5533 ☐ For Your Info.
☐ Records Branch ☐ For Approp. Action
☐ Teletype, 5646 ☐ Note & Return
☐ Tour Room, 1734

The ACLU is lining up with us.

We had better keep our guard up.

C. D. DeLoach
Room 5640, Ext. 691

REC-33

61-190-1088

11 DEC 4 1964

CRIME RESEARCH

79 DEC 8 - 1964

XEROX
DEC 4 1964

UNRECORDED COPY FILED IN 62-109090-

Letters to The Times

Hoover Stand on Report

F.B.I. Head's Criticism of Warren Commission Is Defended

The writer is general counsel to the New York chapter of the American Civil Liberties Union.

TO THE EDITOR:

In the recent press conference held by F.B.I. chief J. Edgar Hoover he voiced resentment against the Warren Commission's criticism of the F.B.I.'s work in relation to President Kennedy's assassin, Lee Harvey Oswald. Mr. Hoover's resentment is, I believe, justified. The Warren Report itself shows that there was no reason to suspect that Oswald was a danger to the President and that, as Mr. Hoover says, only in a police state would there have been surveillance of Oswald on the basis of the available information about him.

In defining Oswald's possible motivation, the Warren Commission points to only one factor of which the F.B.I. could have been aware: "his avowed commitment to Marxism and Communism, as he understood the terms. . . ." The other factors mentioned by the commission are psychological tendencies, such as Oswald's "inability to enter into meaningful relationships." It also notes his attempt to kill General Walker, but this was revealed by Oswald's wife only after the assassination.

Facts on Oswald

We all can, with the Warren Commission, appraise the F.B.I.'s conclusion that Oswald was not a danger so long as he was working in a non-sensitive industry, for the report details the items which it says should have alerted the F.B.I.:

Oswald had gone to Russia at the age of 19 and unsuccessfully attempted to renounce his American citizenship; after about a year, however, he had become dissatisfied and had returned to the United States a year and a half before the assassination.

He distributed pro-Castro leaflets on the street in New Orleans and wrote to a pro-Castro organization in New York.

When he was arrested because of a scuffle with anti-Castroites while he was handing out leaflets, he asked to see an F.B.I. agent (agents had interviewed him several times on his return from Russia, and told him to inform them if he was approached by Russian intelligence agencies). After a self-serving explanation to the agent of the leaflet distribution, Oswald lied about immaterial points, such as where he was married.

The C.I.A. reported that Oswald had visited the Russian or Cuban embassies or consulates in Mexico City.

Oswald had an "aggressive" or "arrogant" attitude toward the United States in interviews in Russia and upon his return.

Secret Service Decision

The Warren Report also mentions that Oswald worked in a building on the President's motorcade route. However, since the Secret Service decided against a special check of the route, the location of Oswald's job does not enter into the issue of whether the F.B.I. should have warned Secret Service that he was a danger.

The Warren Report indicates that the F.B.I. may have used improper methods of surveillance—for example, how had it known that Oswald wrote from Texas to the Fair Play for Cuba Committee in New York? But even with this surveillance, no significant or violent political activity on Oswald's part, or involvement in violence of any kind, was discovered.

The Warren Commission engages in peculiar, find-some-culprit hindsight when it says the F.B.I. should have considered Oswald "a potential threat to the safety of the President." It would be repugnant and dangerous to our institutions if the F.B.I. drew such irrational and exaggerated conclusions from evidence of ideological sympathy.

NANETTE DEMBITZ

New York, Nov. 24, 1964.

Mr. Tolson ✓
Mr. Belmont ✓
Mr. Mohr ✓
Mr. DeLoach ✓
Mr. Casper ✓
Mr. Callahan ✓
Mr. Conrad ✓
Mr. Evans ✓
Mr. Gale ✓
Mr. Rosen ✓
Mr. Sullivan ✓
Mr. Tavel ✓
Mr. Trotter ✓
Tele. Room ✓
Miss Holmes ✓
Miss Gandy ✓

DELOACH

The New York Times
Nov. 30, 1964

KEROX
DEC 1 1964

MOORE

RA

December 11, 1964

61-190-1089

REC-35

25 X-100

Sherman Oaks, California

b6
b7C

Dear Mr. [REDACTED]

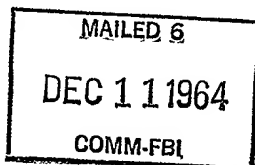
Your letter of December 5th has been received.

While I would like to be of assistance to you, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. In view of this, I am sure you can understand why I cannot comment concerning the American Civil Liberties Union. In addition, I hope you will not infer either that we do or do not have information in our files regarding the subject of your inquiry.

DEC 11 5 12 PM '64
READING ROOM

I am enclosing some material I trust you will find of interest.

Sincerely yours,



J. Edgar Hoover

Enclosures (5)

"Time for Decision"

"Faith in God--Our Answer To Communism"

Let's Fight Communism Sanely!

Counterintelligence Activities

The US. Businessman Faces the Soviet Spy

NOTE: Correspondent is not identifiable in Bufiles.

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Holmes _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

The Federal Bureau of Investigation
Washington, D.C.

December 5, 1965

Gentlemen:

The American Civil Liberties Union is a group that I have been thinking about joining in the near future. Before I become involved with this organization, I would like to know if this organization is a front organization for the communists or any other illegal front movement?

Your attention to this matter will be greatly appreciated.

Thank you for your future reply to this letter.

Sincerely yours

[Redacted Signature Box]

H

b6
b7C

Address:

[Redacted Address Box]

California

*ask 12-11-64
of [unclear] from*

REC-35
EX-100

61-190-1089

13 DEC 14 1964

[Handwritten Signature]
CONFIDENTIAL

REC-46

December 30, 1964

62-190-1090

2E

[Redacted]

Brooklyn, New York 11203

Dear Mr. [Redacted]

b6
b7C

DEC 10 2 35 PM '64
FBI
READING ROOM

Your letter of December 22nd has been received.

With respect to your inquiry, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. I regret I am unable to be of assistance in this instance but trust you will understand the necessary reasons for this policy. It is hoped you will not infer either that we do or do not have data in our files relating to the American Civil Liberties Union.

MAILED 4

DEC 30 1964

COMM-FBI

Sincerely yours,
J. Edgar Hoover

NOTE: Correspondent is not identifiable in Bufiles. The American Civil Liberties Union has not been investigated by this Bureau. The Los Angeles Chapter has circulated a petition in the past calling for the abolishment of the House Committee on Un-American Activities. In 1958 the Seattle Chapter recommended an investigation of the FBI.

DFC:ems
(3)

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79 JAN 6 - 1965

TELETYPE UNIT ☐

[Redacted]
Brooklyn, New York 11203
December 22, 1964

JE
Federal Bureau of Investigation
Public Relations
Washington, D. C.

b6
b7C

Dear Sirs,

1-1

Ref

① I recently received a membership application from the American Civil Liberties Union, 156 Fifth Avenue, New York, New York. Included with this application were a number of pamphlets outlining the objectives and policies of the organization; this seems like a worthwhile institution judging by their literature but, before joining, I would like to make sure of their reliability. Has this organization, to the Bureau's knowledge, ever been connected with any elements detrimental to the aims or policies of the United States and, if not, do you recommend membership in this institution?

Thank you for your time and assistance.

2E

Very truly yours

[Redacted Signature]

REC-46

62-190-1090

DEC 31 1964

ack 12-30-64
DFC:eme

DSM:jb

5045
CORRESPONDENCE

The Acting Attorney General

December 23, 1964

REC- 47
Director, FBI

61-190-1092

~~JOHN DE J. PEMBERTON, JR.~~
~~EXECUTIVE DIRECTOR~~
~~AMERICAN CIVIL LIBERTIES UNION~~
~~NEW YORK CITY~~

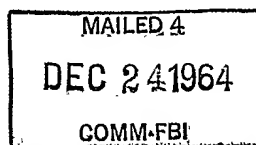
For your information there is attached a letter to this Bureau from Mr. John de J. Pemberton, Jr., Executive Director, American Civil Liberties Union, dated December 16, 1964. Mr. Pemberton also enclosed a copy of a letter to you dated November 30, 1964, which was critical of this Bureau with regard to its investigative activities in the civil rights field. A copy of this letter is attached for your information, ~~as is a copy of my reply to Mr. Pemberton.~~ You may wish to take Mr. Pemberton's current letter into consideration in your handling of his letter to you dated November 30, 1964.

Enclosures (3)

- 1 - Mr. DeLoach (Sent with cover memo)
- 1 - Mr. Rosen (Sent with cover memo)

NOTE: See M. A. Jones to DeLoach memo dated 12-22-64, captioned "John de J. Pemberton, Jr., Executive Director, American Civil Liberties Union, New York City."

ELR:kjb
(7)



DEC 25 3 30 PM '64

DEC 31 1964

E. B. T.
RECEIVED-DIRECTOR

E. B. T.
RECEIVED-DIRECTOR

SENT DIRECTOR
FOR APPROVAL
12-22-64

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Gandy _____

64 JAN 26 1965

MAIL ROOM ☐

TELETYPE UNIT ☐

December 23, 1964

REC-47

61-190-1092

(Morris)

EX-102

Mr. Morris L. Ernst
Greenbaum, Wolff and Ernst
285 Madison Avenue
New York, New York 10017

Dear Morris:

There is attached a copy of a letter to me,
dated December 16, 1964, with enclosure, from Mr. John de J.
Pemberton, Jr., Executive Director, American Civil Liberties
Union. The enclosure, a letter to the Acting Attorney General,
was dated November 30, 1964. I thought you might like to see
these items and be advised of Mr. Pemberton's comments
regarding the investigative activities of this Bureau in the
field of civil rights.

Sincerely yours,

J. Edgar

SENT TO THE
DIRECTOR
FOR SIGNATURE
AND MAILING

Enclosure

- 1 - Mr. DeLoach (Sent with cover memo)
- 1 - Mr. Rosen (Sent with cover memo)

NOTE: See M. A. Jones to DeLoach Memo dated 12-22-64, captioned
"John de J. Pemberton, Jr., Executive Director, American Civil Liberties
Union, New York City."

ELR:smg/jol

(7)

E. B. T.
RECEIVED-DIRECTOR

DEC 31 2 33 PM '64

E. B. T.
RECEIVED-DIRECTOR

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Benjamin H. Kizer (Wash.)
Milton R. Konvitz (N.Y.)
Agnes Brown Leach (N.Y.)
Max Lerner (N.Y.)
Louis Lusky (Ky.)
Robert S. Lynd (N.Y.)
Patrick Murphy Malin (Turkey)
Robert Mathews (Ohio)
Wesley H. Maurer (Mich.)
Emil Mazey (Mich.)
Alexander Meiklejohn (Calif.)
Sylvan Meyer (Ga.)
Donald R. Murphy (Iowa)
Frank C. Newman (Calif.)
J. Robert Oppenheimer (N.J.)
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Thornton Wilder (Conn.)
Aubrey Williams (Ala.)
Marion A. Wright (N.C.)
Benjamin Youngdahl (Mo.)

American Civil Liberties Union

Founded 1920
Incorporated

156 FIFTH AVENUE, NEW YORK, N.Y., 10010 • ORegon 5-5990

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Board of Directors
and the Corporation

Dorothy Kenyon
Walter Millis
Dan Lacy
Vice-Chairmen

Edward J. Ennis
Osmond K. Fraenkel
General Counsel

George Soll
Secretary

Morris Ernst
John F. Finerty
Norman Thomas
Directors Emeritus

John de J. Pemberton, Jr.
Executive Director

Alan Reitman
Associate Director

Melvin L. Wolf
Legal Director

Sophia Yarnall Jacobs
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Gordon Haskell
Membership & Development Director

Roger N. Baldwin
International Work Adviser

Leanne G. Katz
Executive Assistant

Louise C. Floyd
Administrative Assistant

Warren Adler
Membership Secretary

Aryeh Neier
Field Development Officer

December 16, 1964

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover:

The recent developments in Mississippi have once again focussed attention on the FBI's role in the investigation of violations of civil rights. We were highly gratified by the FBI's action in arresting the 21 persons charged with conspiracy in the murder of the three civil rights workers, Andrew Goodman, Michael Swerner and James E. Chaney. We congratulate you and the Bureau for this fine piece of investigative work. We hope that despite U.S. Commissioner Carter's dismissal of the charges, the case will be promptly presented to the federal grand jury and quick indictment and prosecution will follow.

Regardless of the recent Mississippi arrests, however, several intrinsic questions remain concerning the problem of federal investigation of civil rights cases. These are discussed in my letter of November 30, 1964 to Acting Attorney General Katzenbach, which I regret, through an inadvertence, was not sent you. I enclose a copy now for your information, and would, as always, welcome any comment you care to make. I would like to emphasize that our analysis is not based on an inherent animosity to the FBI, but our deep concern -- enlarged each day as civil rights are blatantly denied -- that the full measure of the constitutional right of equality be enjoyed by Negro citizens.

Sincerely yours,

John de J. Pemberton, Jr.
Executive Director

REC-47 61-190-1092
1-6-65
1 DEC 18 1964

CORRESPONDENCE

Washington Office — 1101 Vermont Avenue, N.W., Washington, D.C. 20005; Lawrence Speiser, Director; Julie N. Barrows, Executive Assistant
Southern Regional Office — 5 Forsyth St., N.W., Atlanta, Ga. 30303; Charles M. Morgan, Jr., Director; Jean Levine, Executive Assistant.
With organized affiliates in thirty states and 800 cooperating attorneys in 300 cities of 50 states

C
O
P
Y

November 30, 1964

Mr. Nicholas Katzenbach
Acting Attorney General of the United States
Department of Justice
Washington, D. C.

Dear Mr. Katzenbach:

The current controversy around FBI Director, J. Edgar Hoover's statements concerning Dr. Martin Luther King and the civil rights movement sharply points up the question of the adequacy of the FBI's investigation of civil rights complaints and its enforcement of civil rights law. As the need to enforce the Constitution and laws demands the closest government attention, you can readily understand our concern that the FBI's role -- a central one in this effort -- be fully re-examined.

Despite the recent flurry of FBI activity in civil rights cases in the South, we do not believe that its over-all record is one of vigorous pursuit of persons responsible for depriving Negroes' of their civil rights. Since the list of these violations is huge, and proportionately arrests and prosecutions are few, we do not think our criticism unjustified.

The FBI prides itself on being an effective and influential force in curbing criminal activity in the United States. But why isn't the FBI record in dealing with the denial of federally-protected civil rights equally good? We recognize the built-in problems inherent in the nature of the law-enforcement structure, particularly the close working relationship that exists between local police officials and FBI agents. The FBI needs the cooperation of these local officers in dealing with such interstate crimes as auto theft, bank robberies, hijacking and other crimes within its jurisdiction; it is only logical to expect that when these same local officials are accused of depriving Negroes of their civil rights their fellow federal police officers are less than eager to investigate the incident and arrest them if necessary. This conflict of interest is compounded as FBI agents are stationed in a particular community for a long period of time and develop friendly relationships with the local police

ENCLOSURE 61-198-1092

There is also the problem of attitude, the psychology of commitment to enforcing laws which guarantee Negroes equal rights. If an attitude of commitment predominated it would go a long way toward convincing Negroes that they are receiving the protection they need, and would also make explicitly clear to white police officers that the FBI is part of a federal establishment which, while impartial in its application to the law, does have a special responsibility to make the federal presence felt when civil rights laws are violated, and to act vigorously to arrest those responsible for such crimes. Unhappily, the reports from civil rights workers in the field reveal that the FBI's commitment to civil rights is less than firm. The New York Times of November 27 quotes Hunter Morey, a field worker of the Student Nonviolent Coordinating Committee, as saying: "When we report incidents to the FBI we find that many agents seem to have only the most perfunctory interest in the cases. I remember an agent saying with a mixture of boredom and irritation, 'Are you just telling me this for the record.' Some agents have acted in an insulting way, such as refusing to shake hands with Negroes."

What action can the Department of Justice take to deal with these problems? First, it should give explicit instructions to the FBI that investigation of civil rights complaints is a number one priority with the Department; that because violations of civil rights laws concern human beings, their safety and their right to the equal protection of the laws, the FBI is to show as much vigor in these investigations as those where private property is involved -- regardless of the fear that cooperation of local police in dealing with other crimes may be adversely affected. Such instructions seem especially necessary because (1) FBI agents have not answered the appeal of civil rights workers for federal presence when voter-registration drives and other constitutionally-guaranteed activity were to be conducted; and (2) the Department is reported in the press as saying that the FBI must first obtain approval for investigation of all but certain categories of complaints (such as "a particular pattern of police brutality," Assistant Attorney General Burke Marshall is quoted as saying). Why should the FBI need special authority for the investigation, say, of other §242 complaints, any more than for routine complaints of interstate crime?

Second, the Department should seek revision of Section 242 of Title 18, of the federal Civil Rights Law, to make more explicit the grounds on which local law enforcement officers can be arrested for, and convicted of, denying persons their civil rights. Currently to obtain a conviction where a person is mistreated by police, it is necessary to prove that the official had specific intent to deprive him of a constitutional right, and this has been offered as one reason for the failure of the FBI to make arrests. Yet if Section 242 were amended so that simple performance of several specified acts of violence and mistreatment are defined to be violations, additional authority would thereby be provided.

C

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P

Y

Mr. Nicholas Katzenbach

Page 3

November 30, 1964

These suggestions are only palliatives for the basic conflict of interest which exists because of the FBI-local police relationship. It may be that more drastic action is necessary, such as creating a special civil rights investigatory unit within the FBI, free of local ties, or establishing a separate civil rights investigation division within the Department which has no connection with the FBI. What is clear is that the Department of Justice must now consider these or other alternatives, in order to regain public confidence that the government diligently searches for and prosecutes persons, including white police officers, who rely on violence or their official position to break the law. As Negro citizens press forward even more vigorously to exercise the rights which are truly theirs, the federal government must confront this fundamental problem of law enforcement.

Sincerely yours,

/s/

John de J. Pemberton, Jr.
Executive Director

JdeJP:ahs

January 5, 1965

pls
REC-108

61-190-1093

b6
b7C

K
[Redacted]
Allen Park, Michigan

Dear Mr. [Redacted]

Your letter of December 27th, with enclosures, has been received, and it was indeed thoughtful of you to write as you did. All of us in the FBI are deeply appreciative of the kind comments that you made. My associates join me in thanking you for your generous remarks and the New Year's greetings which you sent. We hope that the coming year brings with it an abundance of good things for you.

I am enclosing some material which you may find of interest.

MAILED 8

JAN 5 - 1965

COMM-FBI

Sincerely yours,

J. Edgar Hoover

Le 97
Enclosures (2)

"Our Heritage of Greatness"

"Time for Decision"

NOTE: Bufiles contain no information identifiable with correspondent. Bufiles reflect that the main file pertaining to the "Liguorian" has been destroyed. Other references in 1945 reflect that the "Liguorian" and two other Catholic magazines defended the CIO's Political Action Committee against charges of being communist controlled.

WAM:pem

(3)

MAIL ROOM ☐

TELETYPE UNIT ☐

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FBI

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B.S.

[Signature]

TRUE COPY

Mr. J. Edgar Hoover, Chief
Federal Bureau of Investigation
Washington D. C.

Dec 27, 1964

Dear Mr Hoover:

"What's wrong with the F.B.I?" NOTHING.

If the individuals who are always attacking the F.B.I., spent the same effort in helping other government agencies, there would be no neccessity for an F.B.I. Agency.

Mr. Hoover, everytime you defend the position of the F.B.I., you are protecting the Peoples' "Bill of Rights," not one persons, and the good citizens are behind you.

I didn't see anything in the newspapers after the tragedy of Nov. 22, that the American Civil Liberties Union demanding more protection for our President. Neither did the A. C. L. U. holler for more protection for F.B.I. Agents the agents were assualted for only taking pictures of a funeral being held in public. What would the A. C. L. U. say, if a suspected Mafia Man was beat up, for taking pictures of the F.B.I. ?

Where are all of these organizations, when citizens are killed in hold-ups, women raped, the American flag destroyed in foreign countries? Where is the ACLU, when children are exposed to filthy magazines, or honest citizens are tricked into being addicted for the rest of their lives?

It is every individuals responsibility, a duty to aid every authorized agency in every possible way to see justice is met (except self-incrimination), not take the position;" I don't want to get involved" or "That's not my job to solve their problem."

61-190-1093

REC-108

JAN 7 1965

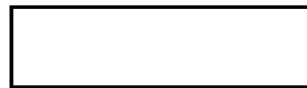
2 ENCLOSURE

CORRESPONDENCE
PERS. REC. UNIT

There are those who try to make believe, they are "Waving the Flag" when they are always protecting the accused, when actually, they are really "Hiding behind the Flag."

I know several Agents, and every one is a first class citizen and gentleman at all times.

Enclosed is an article that you could add to your collection of what is thought about and what is expected to be a good F. B. I Agent.



Allen Park, Mich.

b6
b7C

Happy New Year

Handwritten notes on enclosures:

Before I had a chance to mail the enclosed letter, there was a news flash about this murder

January 1965
Liguorian Magazine
Liguori, Mo.

Mr. J. Edgar Hoover, Chief
Federal Bureau of Investigation
Washington D.C.

Dec 27, 1964

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. DeLoach	✓
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Dear Mr Hoover;

WIP

"What's wrong with the F.B.I.?" NOTHING.

If the individuals who are always attacking the F.B.I., spent the same effort in helping other government agencies, there would be no necessity for an F.B.I. Agency.

Mr. Hoover, everytime you defend the position of the F.B.I. you are protecting the Peoples' "Bill of Rights", not the persons, and the good citizens are behind you.

I didn't see anything in the newspapers after the night of Nov. 22, that the American Civil Liberties Union demanding more protection for our President. Neither did the A.C.L.U. call for more protection for F.B.I. Agents the agents were assaulted for only taking pictures of a funeral being held in public. What would the A.C.L.U. say, if a suspected Mafia Man was beat up, for taking pictures of the F.B.I.?

Where are all of these organizations, when citizens are killed in hold ups, women raped, the American flag destroyed in foreign countries? Where is the A.C.L.U. when children are exposed to filthy magazines, or honest citizens are tricked into being addicted for the rest of their lives?

ENCLOSURE

CORRESPONDENCE

MS

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There are those who try to make believe they are "Waving the F flag" when they are always protecting the accused, when actually, they are really "Hiding behind the F flag."

I know several Agents, and everyone is a first class citizen and gentleman at all times.

Enclosed is an article that you could add to your collection of what is thought about and what is expected to be a good F. B. I. Agent.

b6
b7c



Allen Park, Mich.

Happy New Year

Feud Over Girl Blamed in Fatal Knifing of Youth

A 19-year-old youth was stabbed to death during a fight with a friend whom he accused of dating his girl friend in Warren yesterday, police said.

Thomas E. Barc, 20753 Curie, Warren, was dead on arrival at Holy Cross Hospital about 5 a.m. with a half-inch stab wound of the left chest. His face was also bruised, police said.

Held without bond and charged with second-degree murder is Douglas Elliott, 22, of 20541 Syracuse. Elliott stood mute at his arraignment before Municipal Judge Verne C. Boewe. Examination was set for Jan. 13.

IN EARLIER FIGHT

Barc and Elliott, who were described as "long-time friends," were among eight young men involved in a brawl at a drive-in with Warren police officers last July 19. Following Elliott's arrest near his home in that case, the American Civil Liberties Union (ACLU) filed charges of police brutality on the testimony of witnesses to the affair.

The Warren officers were exonerated of the brutality charge by the Wayne County prosecutor's office following a month-long investigation. Elliott was charged with assaulting an officer and Barc with interfering with police. Both cases were still pending.

In yesterday's fatal stabbing, police said Barc and Elliott had an argument in a gas station at 5245 Eight Mile in Warren over Barc's girl friend.

Witnesses told police the two went to the rear of the gas station, after saying they would fight it out.

COLLAPSES IN CAR

A few minutes later Barc emerged, witnesses said, and walked to his car parked in front, where he collapsed.

Barc was rushed to the hospital, police said, by Roger O. Watkins, 21, of 5018 East Nine Mile, Warren, and Joseph D. Longo, 22, of 20800 Cyman, Warren.

Elliott appeared at the hospital later and was taken to the Warren police station. Following questioning there, he was charged with the murder.

Police said the suspect admitted fighting with Barc but refused to answer questions concerning the stabbing. Elliott, however, admitted that he owned a pocket knife with a three-inch blade which was



DOUGLAS ELLIOTT

found at the gas station, police said.

RECORD OF OFFENSES

Elliott has a criminal record including convictions for two felonies and three misdemeanors dating from January, 1961, police said. He was released from Jackson State Prison in February after serving a sentence for attempting to break into an automobile.

Police said he has been arrested and convicted of larceny, breaking and entering, assault and battery and furnishing liquor to minors.

In the July 19 incident, Elliott was arrested while trying to escape from a brawl at a drive-in at 4024 Nine Mile involving eight men and several Warren police officers. Three officers and three of the men were injured in the melee.

POLICE EXONERATED

The ACLU charged that eight Warren police officers beat Elliott even though he was handcuffed. Barc was among the brawlers who escaped, but later gave himself up at a local television station, police said. He also accused the police of brutality.

In September, Assistant Prosecutor Max Silverman, who headed the investigation, exonerated the Warren officers.

Silverman ruled that the police had used no more force than necessary in the arrest and chase of Elliott. He said Elliott received only minor injuries which were treated with first aid.

These
Before I had a chance
to mail the enclosed
letter, there was a news
flash about this murder

61-190-1093

ENCLOSURE

**Problems of Professional
and Business People**



*January 1965
Liquorian Magazine
Liquori, Mo.*

The FBI Agent

ARTICLE

BY FRANCIS J. CONNELLY

PROBLEM: I have recently been given an appointment to the FBI. What would you say are my principal obligations in this organization, according to Catholic moral principles?

SOLUTION: My first reaction to this correspondent's letter is to offer him my heartfelt congratulations. He is now a member of one of the most distinguished and effective departments of the United States government. During the years of its existence the FBI (Federal Bureau of Investigation) has proved, time and time again, its value in keeping order and in preventing crime throughout our nation. The principal credit for the success of this organization is due to Mr. J. Edgar Hoover, who has headed the FBI for many years. Any man appointed to its ranks is indeed fortunate.

The first quality required of the young man newly appointed to the ranks of the FBI is absolute honesty. It is an unfortunate fact that dishonesty

in public service is not unknown today. In recent years some startling cases of bribery and graft and even perjury on the part of government officials have been disclosed; and I do not think it is rash judgment to say that there have been many other instances of dishonesty that have never been discovered. But in the midst of this deplorable situation the FBI has stood forth as an organization free from such deeds of dishonesty. Of course, in view of the thousands of men who have served as FBI agents since the establishment of this department, it would not be surprising if some failed in this area. But I know of no such case, and I am sure that if defects of this kind did occur in the FBI, they were very few.

And so, my first admonition to our young correspondent is that he enter the FBI with the firm determination to be perfectly honest, in speech and conduct. I am now referring, not only to his official activities, but also to his private life. When a man is known to be a member of the FBI, people expect

61-190 - 1093
ENCLOSURE

him to be a model of honesty, and watch him carefully, so that any lack of honesty (even a slight lie) surprises them and even brings discredit on the FBI itself.

Secondly, an FBI man must be loyal to his country, even to the extent (if necessary) of sacrificing his life in the performance of his duty. If a man is not willing to go this far, he ought not apply for admission to the ranks of this organization. Sometimes an FBI agent is required to go in search of dangerous criminals, men who will commit murder without any hesitation. Out of loyalty to the United States, he must be willing to risk his life to apprehend them. The rules of the FBI prescribe that the agent must not shoot until it is absolutely necessary; but when this happens, he should shoot to kill. This might seem to some to be a cruel regulation; but it is perfectly permissible on Catholic moral grounds, in view of the wickedness of the persons that are often the object of search.

Other traits also are required of the good FBI agent. He must be perfectly reliable as regards alcoholic beverages, for any lack of temperance may render him less alert and less capable of ful-

filling his duties. He must be most punctual in keeping his appointments, for it is vitally important that he be present where he is expected to be at the exact time when he should be there. He must be courteous and kindly in his association with his fellow men, for he is the servant of the people, as is true of every public official. He should use all reasonable means to keep himself in good physical health, for this is a necessary condition for the proper fulfillment of his tasks. He must observe strict secrecy in matters pertaining to his official functions, for any imprudent remarks on the tasks with which he is engaged may cause great harm to the welfare of our country.

The Catholic in the ranks of the FBI should receive the sacraments frequently and keep himself in readiness for sudden death, which has been the lot of many of the noble men who have been members of this organization. And all FBI agents, whatever may be their particular religious belief, should pray frequently that God may guide them and grant them help to perform their tasks effectively, and above all, that He may abundantly bless our beloved America.

Francis J. X. Connell, C.S.S.R.

SHORT SHRIFT

Brevity is the soul of law, sometimes. This was recently exemplified by Chief Justice Edgar Murdock of the tax court of the United States in a talk before the Massachusetts Bar Association in which he said he favored writing short opinions when deciding cases.

Illustrating this point, he told of a tax court case in which a taxpayer came into court and testified: "As God is my judge, I do not owe this tax."

The judge's written opinion in that case declared: "He's not. I am. You do."

January, 1965

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 12-22-64

FROM : M. A. Jones

SUBJECT: JOHN DE J. PEMBERTON, JR.
EXECUTIVE DIRECTOR
AMERICAN CIVIL LIBERTIES UNION
NEW YORK CITY *N.Y.*

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
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By letter dated 12-16-64, Mr. Pemberton complimented the Bureau on its recent arrest of 21 individuals in Mississippi charged with conspiracy in connection with the murder of the three civil rights workers. He stated that despite dismissal of the charges by the U. S. Commissioner, it was hoped that the case would be promptly prosecuted.

Mr. Pemberton stated that regardless of these arrests, several intrinsic questions remain concerning the problem of Federal investigation of civil rights cases. He said he had discussed these in a letter of 11-30-64 to Acting Attorney General Katzenbach, a copy of which was not sent to the Bureau through inadvertence. He enclosed a copy for our information and stated that he wished to emphasize that this analysis is not based on "an inherent animosity to the FBI" but his organization's concern for the rights of Negro citizens.

Review of the copy of the 11-30-64 letter to Katzenbach disclosed that it is basically concerned with criticism of the FBI's role in civil rights from the standpoint of its close working relationship with local police officers. Pemberton complained of our commitment to enforcing laws which guarantee Negroes equal rights and stated that if our commitment was firm, we could perform much more effectively in the civil rights field.

Pemberton suggested in this letter action be taken by the Department of Justice in dealing with these problems. He stated, first, that the Department should give explicit instructions to the FBI that investigation of civil rights complaints "is a number one priority with the Department." Second, the Department should seek revision of Section 242, Title 18, of the Federal Civil Rights Law to make more explicit the grounds on which local law enforcement officers can be arrested for denying persons their civil rights. He said that the necessity under the present law for proving that an official had specific intent to deprive a victim of a constitutional right has been offered as one reason for the failure of the FBI to make arrests.

Enclosures (3) - *Detached*
1 - Mr. DeLoach - Enclosures (3)
1 - Mr. Rosen - Enclosures (3)

ELR:kjb:csb

64 JAN 13 1965
F104

SENT DIRECTOR
FOR APPROVAL
12-22-64

(Continued on next page.)

CRIME RESEARCH

94-4-5366
UNRECORDED COPY FILED IN

M. A. Jones to DeLoach
RE: JOHN DE J. PEMBERTON, JR.

Pemberton concluded his letter by stating that this matter demands drastic action, "such as creating a special civil rights investigatory unit within the FBI" or establishment of a "separate civil rights investigation division within the Department which has no connection with the FBI."

It was determined that the Pemberton letter of 11-30-64 to the Department was not furnished by the Department to the Civil Rights Section of the General Investigative Division for review or information. We have been unable to find out what action the Department took on this letter.

INFORMATION IN BUFILES:

Files reflect that Mr. Pemberton became Executive Director of the American Civil Liberties Union (ACLU) in April, 1962. We have had limited correspondence with Mr. Pemberton in the past. By letter dated 2-20-63, the Director responded to Pemberton's question dealing with the arrests and fingerprint cards of individuals involved in sit-ins and other civil rights demonstrations. The national repository aspects of our fingerprint files were explained to him in this communication. By letter of 2-4-64 Pemberton enclosed a copy of his letter to the Attorney General of the same date in which he took issue with the alleged pretrial publicity in the Frank Sinatra, Jr., kidnaping case. Pemberton solicited the Director's comments on this matter, to which the Director noted we should ignore Pemberton as he had written the Attorney General so that the Department could reply as it saw fit.

"The New York Times" of 3-10-64 reported that Pemberton had released to the press a copy of a letter he had sent to Attorney General Kennedy, dated 2-4-64, criticizing statements made by the Director "about criminal records" of men arrested in the kidnaping of Frank Sinatra, Jr." Pemberton wrote that such prejudicial information created a "damaging precedence for the conduct of law enforcement officers throughout the country."

OBSERVATIONS:

It is believed that Pemberton's letter should be acknowledged with a perfunctory reply advising that copies of his correspondence are being furnished to the Department for information.

It is noted that Morris L. Ernst, a New York attorney who was formerly on the Special Correspondents' List, is a national committee member of the American Civil Liberties Union. Although we have been answering communications from Ernst by in-absence letters and he has been considered unreliable because he has made untrue statements concerning his association with the Bureau and the Director in the past, it is believed that we might take advantage of his claims of friendship, in this instance, by sending him copies of Pemberton's correspondence to let him know what Pemberton's attitude is toward the Bureau.

M. A. Jones to DeLoach Memo
RE: JOHN DE J. PEMBERTON, JR.

RECOMMENDATIONS:

1. That attached letter be sent to Pemberton advising his correspondence is being furnished to the Department for information.

2. That attached letter to Acting Attorney General Katzenbach be sent enclosing copies of the correspondence from Pemberton.

3. That attached letter be sent to Morris L. Ernst, enclosing copies of Pemberton's correspondence, for his information.

January 8, 1965

JAN 8 4 23 PM '65
REC'D-READING ROOM
FBI

REC-18 61-190-1095

EX-112

[Redacted]
Oskaloosa, Iowa

Dear Mr. [Redacted]

Your letter of January 4th has been received.

b6
b7C

With respect to your inquiry concerning the American Civil Liberties Union, information in FBI files must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. I hope you will understand my position.

Sincerely yours,

J. Edgar Hoover



NOTE: Bufiles contain no derogatory information regarding correspondent who was an applicant for the position of Special Agent in 1940. He was favorably recommended but declined the appointment due to his pending marriage.

LePr

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(3)

58 JAN 16 1965

MAIL ROOM ☐ TELETYPE UNIT ☐

JAN 8 4 20 PM '65

RECEIVED

FBI

JAN 8 3 30 PM '65

[Handwritten signature]



OSKALOOSA, IOWA

PHONE 

January 4, 1965

Federal Bureau of Investigation
Washington, D. C.

b6
b7C

Gentlemen:

Please send me a brief report on your investigation of the
○ American Civil Liberties Union, 170 5th Avenue, New York
10, New York.

Very truly yours,



FHB:da

EX-112

REC-18

61-190-1095

JAN 11 1965

PERM. REC. UNIT

ack. 1-8-65
L.H. deH

nmh

CORRESPONDENCE

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. DeLoach

DATE: 12-28-64

FROM : M. A. Jones

SUBJECT: JOHN DE J. PEMBERTON, JR.
EXECUTIVE DIRECTOR
AMERICAN CIVIL LIBERTIES UNION
NEW YORK CITY

Subject Organization
American Civil Liberties Union

In my memo of 12-22-64, captioned as above, it was reported that Pemberton wrote the Director a letter dated 12-16-64, enclosing a copy of another letter he had sent to the Acting Attorney General, dated 11-30-64, which letter criticized the Bureau's handling of civil rights matters.

In the Katzenbach letter, Pemberton stated that "The New York Times" of 11-27-64 quoted Hunter Morey, a field worker of the Student Nonviolent Coordinating Committee, as criticizing the way FBI Agents handled racial cases. The Director has noted, "Run down allegation of Hunter Morey quoted in N.Y. Times of Nov. 27. H."

In my memo of 12-24-64 (copy attached) these allegations of Morey were set out and completely refuted.

In connection with Pemberton's letter to Katzenbach, dated 11-30-64, the Director has noted, "I suggest you run down Pemberton's letter of Nov 30 to Dept & see what Dept. is doing about it so it can really nail him down. H." The Civil Rights Section of the General Investigative Division contacted the Department the last thing on December 24th and were advised that the Department was still in the process of preparing a reply to Pemberton. The Department has advised us that they will furnish us a copy of this letter before it is sent to Pemberton.

RECOMMENDATION:

For Director's information.

Enclosure

- 1 - Mr. DeLoach
1 - Mr. Rosen
1 - Miss Holmes

JCF:kjb
(6)

ENCLOSURE

DEC 31

903 111.01

DEC-112-28-64

61-190-1096

JAN 15 1965

CRIME RESEARCH

Mr. DeLoach

12-24-64

M. A. Jones

JOHN DE J. PEMBERTON, JR.
EXECUTIVE DIRECTOR
AMERICAN CIVIL LIBERTIES UNION
NEW YORK CITY

Re my memo of 12-22-64, captioned as above, in which it was reported that Pemberton had sent a letter to the Bureau, dated 12-16-64, which enclosed a copy of a letter, critical of the Bureau, he had sent to the Acting Attorney General, dated 11-30-64. Pemberton said a copy of this letter was not sent to us through inadvertence on his part.

In the Katzenbach letter, Pemberton stated that "The New York Times" of 11-27-64 quoted Hunter Morey, a field worker of the Student Nonviolent Coordinating Committee, as saying, "When we report incidents to the FBI we find that many agents seem to have only the most perfunctory interest in the cases.... Some agents have acted in an insulting way, such as refusing to shake hands with Negroes."

The Director has instructed that he be advised as to what Agent or Agents refused to shake hands with Negroes and the circumstances surrounding the incident.

INFORMATION IN BUFILES:

The quotation by Morey, Legal Coordinator, Council of Federated Organizations (COFO), Jackson, Mississippi, undoubtedly relates to an incident reported in the 10-23-64 "Stanford Daily," campus newspaper at Stanford University. This article set forth statements from [] and [], two white COFO workers from Stanford who had been in Mississippi, that the FBI Agents in Clarksdale, Mississippi, had indicated no interest in obtaining details of their civil rights complaints, had referred to a local Negro as a "nigger," had refused to shake hands with the Negro and had indicated that if they ([] and []) were "looking for trouble," they would get it.

An immediate inquiry was conducted concerning these allegations. The Special Agents assigned to the Clarksdale Resident Agency, [] and [] submitted affidavits in which they denied the allegations by [] and [] and branded them as completely false. They stated specifically that they had at no time during the course of that incident, or at any other time in the past, refused to shake hands with any individual because of his race. In this respect, it was noted that Agents [] and [] were born and raised in Ohio and Pennsylvania respectively.

1 - Mr. DeLoach - Enclosure 1 - Mr. Rosen 1 - Miss Holmes

ELR:kjb/smg

(Continued next page)

(6)

61-190-1096
ENCLOSURE

M. A. Jones to DeLoach
RE: JOHN DE J. PEMBERTON, JR.

The circumstances leading up to this allegation are as follows:

On 10-22-64, [] was interviewed at Marks, Mississippi, by SAs [] and [] relative to an allegation that he was beaten by four unidentified white men near that town on the evening of 10-21-64. At the outset, [] indicated a reluctance to be interviewed and stated he had no respect for the FBI as he had heard that an FBI Agent refused to shake hands with a Negro. He was closely questioned on this allegation and could furnish no specifics, was evasive and finally said, "Forget it, it probably wasn't true anyway," and the interviews with [] and later with [] were completed without further incident. Results of investigation of the alleged beating of [] were furnished to the Department. b6 b7C

Subsequently while the same Agents were interviewing [] a Negro male, on another matter, [] approached the Agents with a Negro male, [] and attempted to break into the interview already in progress. When they continued to loiter around while the interview was being conducted, they were requested to leave and did so. Later [] told the Agents he had purposely brought [] over to see if the Agents would shake hands with him and apologized for his "impolite and childish" actions which were calculated to embarrass the Agents.

[] when contacted on 10-28-64, advised he had indicated a disinterest in furnishing the details of his civil rights complaint, not the Agents. Both [] and [] have also admitted interrupting the interview with [] and attempting to "trap" the Agents in the alleged hand shaking incident while they were fully occupied in official duties. They were informed that Agents would not refuse to shake the hand of any individual purely on the basis of race.

[] and [] stated that [] had informed them that SA [] had stated that if [] and [] were looking for trouble "we can give it to them." [] and [] are immature, unreliable and obnoxious individuals. They have admitted on previous contact that much of their information is based on rumor and unsubstantiated information which they have forwarded to the "Stanford Daily" in order to get publicity. Responsible Stanford University officials have stated that [] is a maladjusted individual who is in need of psychiatric treatment. Personnel of "Stanford Daily" were contacted and the true facts of the matter were furnished to them.

RECOMMENDATIONS:

1. For the information of the Director.
2. That you (Mr. DeLoach) be authorized to contact Pemberton personally in New York and straighten him out as to the above facts and other inaccuracies in his letter to the Department, dated 11-30-64.

REC-1 61-190-1017

January 14, 1965

EX-108

Cottage Grove, Oregon

Dear Mrs. [redacted]

Your letter of January 11th has been received.

While I would like to be of assistance to you, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. In view of this, I am sure you will understand why I cannot comment concerning the American Civil Liberties Union. I hope you will not infer either that we do or do not have data in our files relating to the subject of your inquiry. In response to your question, Mr. Smoot was employed in the FBI as a Special Agent from March 23, 1942, until June 15, 1951, when he voluntarily resigned for personal reasons. Since his writings at the present time are personal ventures of his own, I am unable to comment concerning them.

Budgetary limitations preclude our furnishing you our material on a continuing basis. Enclosed, however, is some literature I hope will be of interest to you.

Sincerely yours,

J. Edgar Hoover

MAILED 30

JAN 14 1965

COMM-FBI

Enclosures (5)

Time for Decision

Our Heritage of Greatness

Counterintelligence Activities

Faith in God--Our Answer To Communism

Let's Fight Communism Sanely!

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
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Callahan _____
Conrad _____
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W.A. Mohr (3)

MAIL ROOM ☐ TELETYPE UNIT ☐

NOTE: Next page.

JAN 14 3 39 PM '65
REC'D-READING ROOM
FBI

Mrs.

b6
b7C

NOTE: Bufiles contain no information identifiable with correspondent. Howard Smoot is well known to the Bureau and the American Civil Liberties Union with headquarters in New York City has not been investigated by the Bureau. The Los Angeles Chapter has, in the past, circulated a petition calling for the abolition of the House Committee on UnAmerican Activities and the Seattle Chapter has recommended an investigation of the FBI. The American Civil Liberties Union believes in the free exchange of political opinion and the freedom to associate for the purpose of political expression.

TRUE COPY

[Redacted]
Cottage Grove, Oregon
January 11, 1965

J. Edgar Hoover
Director of the F. B. I.
Justice Department
Washington, D. C.

b6
b7c

Dear Sir:

Last month we attended a "Wake Up America" speech at the local American Legion Hall which was sponsored by the aforesaid. The speaker flatly stated that one of the Communist front organizations is the American Civil Liberties Union.

My question is this: Has this organization been investigated and if it has and been found to be a Communist front why is it not listed in the Guide to Subversive organizations of the Committee on Un-American Activities?

|| Please add my name to your mailing list of any new developments. *L*

The statement was also made in the aforementioned speech that Dan Smoot was an investigator with the F. B. I. for a number of years and that his statements are the absolute truth. I would like to know if your office considers Mr. Smoot to be a helpful influence on Americans.

I will be anxiously awaiting your reply. Please accept my thanks for your faithful years of serving our country.

Sincerely yours,

[Redacted Signature]

REC-1 61-190-1097

10 JAN 18 1965

EX-108 CORRESPONDENCE

*ITC
1-14-65
1-14-65
1-14-65*

2E

Cottage Grove, Oregon
January 11, 1965

J. Edgar Hoover
Director of the F.B.I.
Justice Department
Washington, D.C.

b6
b7C

Dear Sir:

Last month we attended a "Make up America" speech at the local American Legion Hall which was sponsored by the aforesaid. The speaker flatly stated that one of the Communist front organizations is the American Civil Liberties Union.

My question is this: Has this organization been investigated and if it has and been found to be a Communist front why is it not listed in the Guide to Subversive Organizations of the Committee on Un-American Activities?

1-14-65
C-05
1-14-65
Please add my name to your mailing list of any new developments.

The statement was also made in the above mentioned speech that Dan Smoot was an investigator with the F.B.I. for a

CORRESPONDENCE

715

number of years and that the statements
are the absolute truth. I would like to know
if your office considers Mr. Smart to be a
helpful influence on Americans.

I will be anxiously awaiting your
reply. Please accept my thanks for your
faithful years of serving our country.

Sincerely yours



b6
b7c

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 1/19/65

FROM : SAC, TAMPA (100-184)

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
ORLANDO, FLORIDA
INFORMATION CONCERNING -

For the information of the Bureau, Jacksonville and Miami, [redacted] telephone No. [redacted], Orlando, Fla., telephonically contacted SA JAMES B. HAFLEY on 1/11/65, and volunteered the following information:

[redacted] at Orlando Air Force Base, Orlando, Florida. Recently he learned from one [redacted], Orlando, the captioned organization planned to have an organizational meeting on the night of 1/10/65 in the home of Orlando Attorney JEROME BORNSTEIN, who resides at 244 Whittier Circle, Orlando. According to [redacted] invited [redacted] to attend the meeting, so he did so, "mainly out of curiosity". Fla.

Continuing, [redacted] said that approximately 45 persons attended this meeting. He recalled that a Mr. and Mrs. [redacted] (phonetic), Leesburg, Fla., were in attendance, and that a Mr. [redacted] (phonetic), who is in Florida from somewhere in Michigan on vacation, also attended. A large Negro man, whose last name is [redacted] as well as two unidentified Negro women, were among those present. Fla.

A Mrs. [redacted] (phonetic), who is the [redacted] of the Miami, Fla., chapter of ACLU, was there, and kept minutes on the meeting.

During the course of this meeting, it was brought out that an attorney named TOBIAS SIMON was being disbarred by the Florida Bar Association for going to St. Augustine, Florida, and "soliciting business" during the

- 2-Bureau
1-Jacksonville (Info)
1-Miami (Info)
2-Tampa

REC-113

21 JAN 22 1965

JBH/lm/dk
(6)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

INT-SEC-1



88 JAN 29 1965

TP 100-

recent racial disturbance there.

He said that one [redacted] and JEROME BORNSTEIN are members of [redacted] for the Orlando chapter of ACLU. *Subject organization*

[redacted] pointed out that a Mrs. [redacted] of Winter Park or Maitland, Florida, [redacted] the League of Women Voters in that area, attended this meeting, as did the previously mentioned [redacted]. He recalled that a Mr. and Mrs. [redacted] (Phonetic), who live on [redacted] in Winter Park, Florida, were also in attendance. *attended meeting of subject*

In concluding, he said the meeting appeared to be "strictly an organizational meeting," and although nothing of a subversive or disloyal nature was discussed at the meeting, he felt that this Bureau should be in possession of the information regarding the establishment of an ACLU Chapter in the Orlando, Florida area. *Organization*

b6
b7C

CAPITAL

NATIONAL CAPITAL AREA



C.L.U. NEWS

CIVIL LIBERTIES UNION

Publication

An Affiliate of the American Civil Liberties Union

SUITE 803, 1101 VERMONT AVENUE, N.W., WASHINGTON 5, D.C. — 347-8826

Vol. IV, No. 1

January, 1965

SCHOOL PRAYER IS CHALLENGED

A prayer adopted by the student government and repeated before meals at an area public school has been protested by the National Capital Area Civil Liberties Union.

In a hearing on January 14 before the Fairfax County School Board, NCACLU's Fairfax Church-State Chairman, John C. Pennell declared that the prayer, although uttered voluntarily and administered by the student government, is unconstitutional under a 1962 Supreme Court ruling because it is part of a compulsory public school session. The prayer, voted into existence and approved for use before all meals in the school cafeteria, read:

"Come, Lord God, and be our guest. Let these Thy gifts to us be blessed. For health and strength and daily food, we praise Thy name, O Lord, Amen."

Before the start of each of the four mid-day eating shifts in the school cafeteria, a student rises and leads other students and teachers in the prayer. Those repeating the prayer, which is prominently posted on a nearby bulletin board, stand. Students and teachers not wishing to participate may remain seated or stand outside in a corridor until the ceremony is completed. Non-participants are required to be silent.

Emery Chesley, principal of the school, said the prayer would continue to be used since the students adopted it of their own volition with no encouragement from school officials.

(Continued on Page 3)

Peep Holes and Decoys Criticized

Secret police surveillance of public rest rooms and the use of plainclothes decoys to catch violators of sex offenses may be abandoned by District police as a result of action by the NCACLU.

NOMINATIONS

Suggestions are invited for the Executive Board of NCACLU. Names of possible board members, together with biographical material, should be sent to NCACLU, 1101 Vermont Avenue, Washington 5, D.C. before February 1.

Nominees will be selected by the Nomination Committee: Kenneth Douty, Washington, chairman; Bruce Bowman, Prince Georges County; William B. Bryant, Washington; Mrs. Fred Harris, Montgomery County; D. H. Scull, Fairfax County; and Alys Spealman, Montgomery County.

BOARD DECIDES TO BE SILENT ON NOISE ISSUE

Directors of NCACLU voted at their November meeting not to enter the battle of Musak on Connecticut Avenue.

The Connecticut Avenue Businessmen's Association had planned to place loudspeakers in storefronts along that avenue between Eye Street and Florida Avenue to bathe the thoroughfare with recorded music.

The directors voted against two proposals, one to oppose the music as a violation of privacy and another to request a public hearing.

Following a complaint by the Union regarding the use of secret peepholes by plainclothes operatives of the Police Department, Walter N. Tobriner, President of the Board of Commissioners urged managers of various local establishments to employ attendants to supervise men's rooms "so as to render them obviously inappropriate places" for sexual acts. Such attendants would be appointed as "special policemen" and would wear badges.

In transmitting the NCACLU position to Mr. Tobriner, Chairman David Carliner said:

"The episode involving Mr. Walter W. Jenkins' recent arrest has raised questions regarding the enforcement of laws relating to sexual conduct and the operation of the Morals Squad of the Metropolitan Police Department which have long disturbed the National Capital Area Civil Liberties Union."

The use of secret peepholes as in the Jenkins case, the NCACLU said, "is an unreasonable invasion of the privacy of all members of the public who use these facilities . . . a general search for evidence of crime, conducted without warrant or probable cause."

The Union also complained of use of selected members of the police force, dressed in civilian clothes,

(Continued on Page 3)

ENCLOSURE

61-190-1099

Vol. IV, No. 1

Capital CLU News

January 1965

Newsletter of The National Capital Area
Civil Liberties Union**STAFF THIS ISSUE**

Miss Barbara Kraft, Mrs. Evelyn Richmond, Mrs. Mary Ellen Sayre

Typography — G. Gullickson

Printing — Turnpike Press



FEDERAL COURT ASKED TO ABOLISH VIRGINIA ANTI-MISCEGENATION LAW

An attack on Virginia's law against marriages between Negroes and whites is scheduled for hearing before a federal court this month, with a volunteer NCACLU attorney handling the case.

The case revolves around a Virginia couple who have been exiled from their home state because of the state law against mixed marriages. They appealed to the NCACLU for assistance.

Richard Perry Loving, a white man, and the former Mildred Jeter, a Negro, both of Caroline County, Virginia, "eloped" to the District of Columbia on June 2, 1958, where they were married. There is no law against mixed marriages in the District. However, there is one in Virginia which provides penalties of one to five years in prison, immediate annulment of the marriage, and a \$200 fine "of which the infomer shall have one half."

The Lovings returned to live in Virginia and were arrested and indicted for leaving the state to contract an illegal marriage and for cohabiting illegally in Virginia.

A Caroline County judge sentenced them to one year in jail unless they left Virginia forever. The Lovings have lived across the river in Washington ever since. He is a construction worker.

Philip J. Hirschkop and Bernard S. Cohen, NCACLU volunteer attorneys in the case, say that Loving finds it necessary to return to Virginia from time to time but always under danger that he will be jailed. The couple is asking the Federal court in Richmond to find the Virginia statute unconstitutional.

The same law was upheld by the Virginia Supreme Court in 1955

which said at the time, "The preservation of racial integrity is the unquestioned policy of this state, and that it is sound and wholesome cannot be gainsaid."

The Lovings' complaint, scheduled to be heard on January 27, attacks the state law as "totally against the morals and ethics of our national, and international society . . . contrary to the equal protection and the due process clauses of the Constitution.

NCACLU CHAIRMAN TO GET TRANSFER TO NETHER WORLD

"Editor, Washington Daily News:

You reported on Dec. 14, that 'David Carliner, chairman of the National Capital Area Civil Liberties Union, said the nation should re-evaluate its sex laws, which are based on ancient religious traditions and have no relevance today.'

Now, is he saying that the Commandment, "Thou shall not commit adultery," is no longer valid? Under that commandment are included other sex offenses. The fact is the Commandment is valid and healthy for the nation. It is an eternal law.

Surely, Dante must have reserved a special place in the nether world for those who lead others astray in the field of morality.

MATTHEW A. MCKAVITT"

Reprinted from Daily News
December 24, 1964

FREE SPEECH ISSUE RIDES ON DISTRICT TAXI BUMPER

Can a taxicab operator put the political sticker of his choice on the bumper of his own cab?

Regulations of the Public Utilities Commission in the District say he cannot. Edward Plummer, a cab driver, says he can. The National Capital Area Civil Liberties Union is providing counsel to defend Plummer's position.

Plummer was issued a traffic violation ticket during the presidential campaign because his cab carried a red-white-and-blue "Johnson-Humphrey" sticker on its bumper. Regulations state that a cab cannot display a commercial sign without written approval from the Public Utilities Commission.

Plummer, who owns and operates his own cab, is taking the position that the Commission cannot lawfully prohibit him from displaying such a sign if it is of a political nature, since this is on his property and the regulation infringes his rights under the First Amendment.

After the campaign, the District authorized Inauguration taxicab bumpers with legends such as, "Welcome, Mr. President," "Enter—The Great Society," and "Congratulations to LBJ."

M. Michael Cramer is the NCACLU volunteer attorney for Plummer. The Chairman of the Public Utilities Commission is NCACLU Board Member James A. Washington, Jr.

TRASH PROBE PENDING

A Special House Government Operations Committee headed by Rep. Cornelius Gallagher (D., N.J.), is considering an investigation of the trash-snooping brought to light by NCACLU in September. The prospect for the inquiry followed an exchange of correspondence between Rep. Gallagher, District Engineer Commissioner Charles M. Duke, and NCACLU Chairman David Carliner.

FAMILY AND CONSTITUTIONAL RIGHTS OF WELFARE RECIPIENTS DEFENDED

A change in the man-in-the-house rule of Washington welfare recipients has been urged on the Department of Public Welfare by NACALU.

Under current regulations an able-bodied male in a household makes a family ineligible for welfare assistance. Congress has imposed the rule that in the District of Columbia children who are abandoned by their fathers are eligible for welfare aid but those whose fathers are merely unemployed are ineligible. The Department of Public Welfare therefore interprets the presence of an able-bodied male adult in the home as making children of that home ineligible for assistance.

Other changes the Union asked for are:

*That "recipients of relief should be given a presumption of innocence from fraud." It said "there should be no instant termination of relief for alleged fraud."

*"That there be no searches of the home of a welfare recipient, in the absence of bona fide consent, for the purpose of securing evidence of fraud." Such searches violate the Fourth and Fifth Amendments.

*That recipients getting an adverse "final decision" from the Department on contested relief payments be advised by the Department of their right to apply for a court review.

In connection with inspections of welfare recipients' homes by welfare workers, the Union asked that regulations require that the recipient give genuine consent at the time of the desired search, rather than a generalized agreement to future searches, often required as a condition for getting assistance.

The Department was urged to make sure that failure to agree to search of a home or other "cooperation" not be a factor in denying or terminating relief.

Among the specific changes the NACALU proposed in the wording of welfare workers' handbook of regulations is one applying to the section stating, "The parent must be

continually absent from the home and dissociated from normal family relationship." The Union asks that the following words be added: "except he may exercise his legal right as a father to visit his children at reasonable times and with reasonable frequency."

The suggested rule changes were prepared by Marie Klooz and Robert Weinberg for the NACALU and are being considered by Welfare Director Donald D. Brewer.

School Prayer

(Continued from Page 1)

"There is no mandatory aspect to it whatsoever," he said. "The students may stand or sit or do what ever they like during the brief period, but we do ask that they show courtesy and respect to others."

William H. Dempsey, Jr., NACALU Church-State Chairman, in requesting the hearing before the School Board last November, had expressed the view that "the fact that students are not obliged to participate in the prayer" is irrelevant, since "neither were the students in the cases decided by the Supreme Court."

The decision in *Engel v. Vitale* held, Dempsey declared, that "Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment Clause . . . of the First Amendment."

Pennell told the School Board at the January hearing that even with total initiative and administration of the prayer residing with the student government, as with all other student government activities, recital of the prayer exists only with official school approval.

A decision is pending before the School Board.

DISTRICT ASKED TO HEED NEIGHBORHOOD OPINION

People who live in the Adams-Morgan area are entitled to "pre-eminent consideration" of their feelings on the urban renewal plan for their neighborhood, the NACALU said recently in a formal resolution to the Commissioners of the District of Columbia.

The resolution declared that sensitivity to the views of the citizens directly involved was especially important in this case because it provided the District of Columbia with an opportunity for democratic self-government, even though such local rule was denied by Congress to the District as a whole.

The Commissioners have pending before them proposals for the area and in their deliberations, "the formation of groups by citizens residing, doing business, or owning property in Adams-Morgan and the resultant expression of the views of these citizens represent a unique experiment in democratic self-government in the District of Columbia."

Peepholes

(Continued from Page 1)

to loiter in provocative locations to entice improper solicitations. The public needs to be protected from molestation and annoyance in public places, the Union said, but this would be better realized by the presence of uniformed police.

A thorough study of all local law on sex offenses was urged at a Presidential task force level, similar to one by a British Commission which issued the "Wolfenden Report" applying modern knowledge of psychiatry and contemporary standards of behavior to British law on the subject.

The Union recommendation said: "We believe that such a group should consider from a national perspective, the techniques of law enforcement in sexual matters, the proposals made by the American Law Institute and the American Civil Liberties Union that sexual

(Continued on Page 4)

capital clu . . . notes

Among the new members of Congress is NCACLU member and past Washingtonian **Richard Ottinger** (D., N.Y.) . . . ACLU lost one of its venerated leaders when **Alexander Meiklejohn** died in December. NCACLU cooperated in memorial services held at the US Senate on January 15 at which **Alan Barth** was among those who gave tribute. **Walter F. Willcox**, father of NCACLUer **Alanson Willcox** and ACLU's oldest member, died recently at the age of 103 . . . NCACLU's much-publicized test case challenging the imprisonment of alcoholics has brought the jibe that now that ACLU has taken Christmas out of the public schools, it wants to keep Easter out of the jails. The defendant in the case is named **DeWitt Easter** . . . **Burton Wilson**, NCACLU's representative on the Home Rule Committee, testified in support of that group's proposals for local self government before the Commissioners' Citizens' Advisory Council but stated NCACLU's disagreement with a recommendation to omit provisions for a citizens' referendum to overturn the acts of the District's legislative body . . . Human Rights Week and Bill of Rights Day programs included talks on subjects ranging from the rights of a human foetus to those of a prisoner under arrest by

NCACLU speakers including **Robert Adams**, **Earl Callen**, **David Carliner**, **Monroe Freedman**, **Patricia Harris**, **John W. Haywood**, **Rudolph Nemser**, and **Lawrence Speiser**. Organizations wanting speakers and speakers wanting audiences may call Speakers' Bureau Chairman **Audrey Fain** . . . Prince Georges County Lawyer **Ronald Sinclair** is heading an NCACLU survey of nearby Maryland lawyers to uncover legal abuses which pose civil liberties questions. Maryland NCACLUers who have information should forward it to the NCACLU office marked **MARYLAND LAW PROJECT** . . . NCACLU's membership is nearing the 3000 mark . . . If each member added a member, the mark could be 5000 . . . Have you renewed your membership? Do it now . . .

Peepholes

(Continued from Page 1)

conduct between consenting adults in private ought not to be subject to criminal punishment, and the role of the homosexual in American society."

Various District Government Departments have been asked by Commissioner Tobriner to comment on the NCACLU's Proposals.

The NCACLU statement was prepared by a committee composed of **Robert Weinberg**, Due Process Chairman, **James Siena**, Police Practices Past Chairman, and **Walter Dillon**, Loyalty-Security Chairman.

HUAC WITNESS DEMAND FOR PUBLIC HEARING DEFENDED

NCACLU jointly with the American Civil Liberties Union will defend three persons, two of them Washington women, who refused to answer questions in secret sessions of the House subcommittee on Un-American Activities.

The three were indicted by a federal grand jury on December 30 for refusal to answer questions and in one case for refusal to be sworn.

The two women are Mrs. Dagmar Wilson and Mrs. Donna Allen, leaders of the Women Strike for Peace, an anti-nuclear weapon group. The third defendant is **Russell Nixon**, of New York, general manager for The National Guardian.

The three were subpoenaed by the committee to answer questions about their efforts to obtain an American visa for a Japanese pacifist. All three said they would testify in public but refused to do so in private, claiming that a mere summons before that particular committee creates a stigma which a secret session would not remove. The NCACLU and the ACLU are intervening to question the right to force testimony in secret. The volunteer attorneys who will represent the trio are **William B. Bryant**, **Monroe Freedman**, and **Lawrence Speiser**.



CAPITAL C.L.U. NEWS

National Capital Area
Civil Liberties Union
Suite 803
1101 Vermont Avenue, N.W.
Washington 5, D.C.

BULK RATE
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J. Edgar Hoover
Dept. of Justice
Washington 25, D. C.

14 DIRECTOR

RENEW MEMBERSHIP TODAY — UP YOUR DUES

Handwritten: American Civil Liberties Union

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

January 21, 1965

The attached publication was sent to
the Director by the National Capital
Area Civil Liberties Union,
1101 Vermont Avenue, N. W.,
Washington, D. C.

No reference is made to the Director
or the FBI.

Handwritten: also

MR. TOLSON	✓
MR. BELMONT	✓
MR. MOHR	✓
MR. DELOACH	✓
MR. CASPER	✓
MR. CALLAHAN	✓
MR. CONRAD	✓
MR. FELT	✓
MR. GALE	✓
MR. ROSEN	✓
MR. SULLIVAN	✓
MR. TAVEL	✓
MR. TROTTER	✓
MR. JONES	✓
TELE. ROOM	✓
MISS HOLMES	✓
MRS. METCALF	✓
MISS GANDY	✓

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ENCLOSURE

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February 4, 1965

REC-134

61-190-1101

EX-102

Mr. Informant
West Leyden High School
Northlake, Illinois

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b7c

Dear Mr.

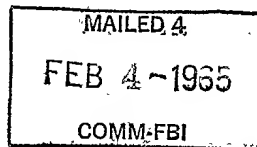
Your letter of January 29th has been received.

With respect to your inquiry concerning the American Civil Liberties Union, the FBI being an investigative agency of the Federal Government neither makes evaluations nor draws conclusions as to the character or integrity of any organization, publication or individual. Information contained in our files must be maintained as confidential in accordance with regulations of the Department of Justice. In view of this, I am sure you will understand why I have made no comment, along the line you suggested, concerning this organization nor can I be of further assistance in this instance.

I am enclosing some material which I hope you will find of interest.

Sincerely yours,

J. Edgar Hoover



Enclosures (5)

See enclosures and note next page.

1 - Chicago - Enclosure

WAM,djg
(3)

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

64 FEB 19 1965

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Mr.

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b7C

Let's Fight Communism Sanely!
Time for Decision
Young People Can Help Defeat Communism
Communism-Slavery of Mind and Spirit
What Young People Should Know About Communism

NOTE: Bufiles contain no information identifiable with correspondent or Napoletano. The American Civil Liberties Union with headquarters in New York City has not been investigated by this Bureau. The Los Angeles Chapter has circulated a petition for the abolition of the House Committee on Un-American Activities and the Seattle Chapter has recommended an investigation of the FBI. This organization is well known to the Bureau.

West Leyden High School

HERSCHEL V. ROWE
PRINCIPAL

NORTHLAKE, ILLINOIS
GLADSTONE 1-1710
WADE A. STEEL
SUPERINTENDENT

GEORGE R. COX
ASSISTANT PRINCIPAL

January 29, 1965

The Chief of the Federal Bureau of Investigation
Department of Justice
Ninth St. and Pennsylvania Ave.
Washington 25, D. C.

b6
b7C

Dear Mr. Hoover:

I have recently been informed by a Mr. [REDACTED] (Northlake, Ill.), via the phone, that at one time you had commented that the American Civil Liberties Union was communistic or sympathetic to communism. When I asked for a reference, he could not definitely identify one but thought that you had mentioned this in your book, "Masters of Deceit". I have checked this book out of our library but have not been able to complete it...nor find such a reference.

I would appreciate your assistance in informing me as to the nature of the above mentioned organization. I did not realize that it reflected extremists viewpoints.

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b7C

Yours truly,

[REDACTED]

P.S. I understand that the man who brought this to my attention belongs to the Flick Reedy Corporation's, Educational Association, in Bensenville, Illinois.

EX-102

REC-134

61-190-1101
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CORRESPONDENCE
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2-4-65

February 3, 1965

Representative George F. Senner
House Office Building
Washington 25, D.C.

Dear Congressman Senner:

I have read in the newspaper, The Arizona Republic, dated Oct. 6, Oct. 8, 1964 and Jan. 8, 1965, where you are in favor of an investigation of the American Nazi Party and the Minutemen. You state "The rightwing groups have expended \$30 million on propaganda this year under the guise of educational, charitable and religious groups."

You also stated that "The Communist Party, the Ku Klux Klan, the John Birch Society and their satellite groups are all cut from the same poisonous cloth. Their tactics are exactly alike and their goals are virtually identical."

As a member of the House Committee on Un-American Activities, you undoubtedly must have much documentation to substantiate your charges - therefore I would appreciate receiving same.

Should you decide to make an investigation of any of the above mentioned groups, may I suggest, then, that you also request an investigation into the American Civil Liberties Union. I believe they are the most powerful Communist-aiding organization in existence, in this country, and have much documentation to prove my statement true. I would be happy to testify before your committee to this effect.

Enclosed find a documentary publication [redacted]

[redacted] and passed out to all members of the American Legion at their State Mid-Winter Conference held here in Mesa, Arizona on Jan. 30-31. You will note that the goals of the ACLU are identical with that of the Communist Party.

I will be looking forward to your reply.

Sincerely,

cc to Cong. Edwin E. Willis,
Chairman, House Committee on
Un-American Activities
cc to J. Edgar Hoover
cc to U.S. Attorney General
Nicholas Katzenbach

Scottsdale, Arizona

REC-98

61-190-1162

FEB 5 1965

ENCLOSURE

11 1965

FOREWORD

CONFLICT IN FIVE PHASES

SPIRITUAL

MORAL

EDUCATIONAL

POLITICAL

LEGAL

The AMERICAN CIVIL LIBERTIES UNION (ACLU) has concerted all its efforts in the above phases through the vast LEGAL field. EVERYTHING WE DO IS CONTROLLED BY LAW. For this reason the ACLU places much importance on attorneys - especially Constitutional attorneys - towards whom special membership drives are directed.

* * * * *

The purpose of this documentary report is to expose the activities and principles advocated by groups who, in the opinion of this research, are spreading dangerous and poisonous doctrines under their new concept of the First Amendment, thus avoiding governmental action. The author, nevertheless, believes that these doctrines are dangerous and are doing the work of those who conspire to subvert our Country. It is a truism that immoral philosophies, even when made "legal", remain immoral, and therefore of great harm to society, especially that society conceived and dedicated "under God." In such cases the only recourse to decent Americans is to rise up and utilize their own right of free speech to expose, refute and denounce such philosophies or activities. It is the hope that this book will inform the decent citizens of this country so they can initiate such action.

Illustrative of the continuing determination of the Government not to supervise or control publications, writings, speeches and the like which portray obscene matter or which advocate dangerous philosophies, the following Court decisions are quoted:

In Bary v. U.S. 248 F 2nd 201 the court said: "Mere advocacy in the abstract that the government should be overthrown and destroyed, if unrelated to any effort to incite or instigate action to that end by force and violence, falls within the range of free speech protected by the Constitution."

In U.S. v. Schneiderman, 106 F. Supp 906 the court said: "This section, proscribing advocacy and teaching of duty and necessity of overthrowing government by force, does not prohibit expression of belief or opinion that violent overthrow and destruction of government is probable or inevitable, whether such belief be reasonable or unreasonable."

In Yates v. U.S. 354 U.S. 298 (Supreme Court decision) the Supreme Court said: "Mere doctrinal justification of forcible overthrow even though uttered with the hope that it may ultimately lead to violent revolution is not punishable under this section."

Parallel decisions in the area of free speech are those relating to literature; and the court, through its decisions, undoubtedly allows a mass of obscene material to be disseminated in this country by refusing to allow government control or supervision:

61-190-1182
ENCLOSURE

In Roth v. U.S. 77 S. Ct. 1304, the court said: "Standard for judging obscenity is whether to average person, applying contemporary community standards, dominate theme of material taken as a whole appeals to prurient interest."

To base a legal test on "contemporary" standards is certainly moral relativism, and is a deviation of the principle that legal decisions should be based on universal moral principles.

It can thus be seen that a vast legal field is opened up by the courts in which purveyors of filth which poison the minds of our youngsters, and advocates of subversive doctrines, can operate without control.

Dare we remain passive while our historical traditions and philosophy of government is eroded, undermined and ultimately destroyed? It is in the legal field that our children get their education and are influenced in their beliefs. If we do not insist that true moral beliefs are inculcated in their minds, how shall we insure that we shall have for the future the Judges and Diplomats who will perpetuate our ideologies?

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FOR 14 YEARS THE AMERICAN LEGION, WITH ITS 3,000,000 PLUS MEMBERS, HAS ASKED THE HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES TO CONDUCT A CONGRESSIONAL INVESTIGATION INTO THE ACTIVITIES OF THE AMERICAN CIVIL LIBERTIES UNION (ACLU - MEMBERSHIP 70,000) AND HAVE IT PLACED ON THE ATTORNEY GENERAL'S LIST OF SUBVERSIVE ORGANIZATIONS, BUT TO NO AVAIL.

What prompted the American Legion to take such action? Here is only part of the ACLU's anti-American record:

ACLU objected to governmental efforts to penalize American students who visited Cuba contrary to government policy. (ACLU NEWS, Oct. 1963, pg. 4)

ACLU supports pacifists who object to service in the Armed Services and who refuse to take the loyalty oath. (ACLU NEWS, Oct. 1963, pg. 4)

ACLU protested the recitation of prayer and grace aboard U.S. Navy vessels (ACLU NEWS, Oct. 1963, pg. 3 - San Francisco)

ACLU objected to a bill that would require military enlistees to swear before God their allegiance to the Constitution. (CIVIL LIBERTIES, Sept. 1961, pg. 2)

ACLU filed suit in Los Angeles Superior Court last month testing the constitutionality of the words "under God" in the pledge of Allegiance. The suit was filed in behalf of Haswell Parker, 51, a Los Angeles high school teacher. As a result the teacher does not have to lead his classes in the pledge as a condition of employment. (ACLU NEWS, July 1963, pg. 2 - San Francisco)

ACLU protested the flying of pennants bearing the inscription "One Nation under God" on municipal flagpoles. (CIVIL LIBERTIES, December 1964, pg. 4)

The ACLU protested a part of an Americanism program that asked parents to "instill the love of our country and its ideals into our children and that children should be taught to respect the flag." (CIVIL LIBERTIES, March 1964, No. 214, pg. 2)

ACLU insists that any revision of a state constitution contain a clause prohibiting "all religious instruction, exercise or worship", in public schools. (CIVIL LIBERTIES, No. 199, June 1962, pg. 3)

ACLU objects to the saying of grace in nursery schools before having their mid-morning cookies and milk. (ACLU NEWS, Oct. 1963, pg. 1)

The ACLU insists that Bible reading and recitation of the Lord's Prayer in public schools violates the Constitution - but insists that Communist Party members and their sympathizers be allowed to teach and speak in public schools under the guise of "academic freedom." (CIVIL LIBERTIES, No. 209, September 1963, pg. 3) As interpreted by the ACLU, a teacher cannot talk about the Glory of God; but if he extols the glories of Lenin or Communism, he is only exercising his rights to freedom of speech and expression!

ACLU fought for 12 years, successfully, to lift the speaker ban on Communist and pro-Communist speakers on California campuses. (CIVIL LIBERTIES, Oct. 1963, pg. 3)

ACLU supports the right of pro-Communists and Communists to teach in our schools. (Pamphlet by ACLU, "Academic Freedom and Academic Responsibility")

ACLU protested the ban on Communist party spokesmen to speak on radio or television as the ACLU considers the Communist Party as a legal political party. (CIVIL LIBERTIES, No. 216, May 1964, pg. 1)

ACLU supports the "right" of Communist Party members to receive passports for travel abroad. (CIVIL LIBERTIES, April 1964, pg. 3)

ACLU defends students indicted on charges of plotting to overthrow the governments of the United States and the state of Indiana by force claiming that "advocacy of revolutionary doctrine is a protected form of freedom of speech." (ACLU Feature Press Service, New York, January 11, 1965, pg. 2)

ACLU and Communist Party seek to have police "review boards" set up and blasted J. Edgar Hoover who criticized police boards as restraining police action in case of rioting. (ACLU Feature Press Service, New York, Nov. 16, 1964; The Worker, 8/9/64 p.3)

The ACLU asked the Civil Service Commission to drop its policy of automatic rejection of all homosexuals who sought employment, or were employed, in the Government stressing that "only qualifications for the job" should be considered. (Washington Post, October 11, 1964, pg. 10)

The ACLU seeks "complete freedom" of the mails for obscene material. (ACLU NEWS, September 1963, pg. 2, San Francisco, Calif.) Regarding obscene material, the ACLU believes that "under the first Amendment guarantee of free expression any kind of publication may be published regardless of its content." (CIVIL LIBERTIES No. 214, March 1964, pg. 3)

The ACLU denied that Lee Harvey Oswald, assassin of President Kennedy, was a member of the ACLU, though Oswald asked for an attorney connected with the ACLU and admitted to the American Bar Association President of Dallas, Texas that he was indeed a member. (CIVIL LIBERTIES, January 1964, pg. 3-4) (Statement made on nationwide TV)

The ACLU works to abolish the House Committee on Un-American Activities. (CIVIL LIBERTIES No. 206, April 1963, pg. 1)

ACLU seeks to repeal the Connally Reservation. (ACLU, 40th Annual Report, pg. 70)

ACLU calls for repeal of the 1940 Smith Act, the 1950 Internal Security Act, the 1954 Communist Control Act (prohibiting known Communist members to appear on the ballot), and demands a halt to all prosecutions currently going on under these Acts. They are also opposed to the 1917 Sedition Act and the McCarran Act - in fact they oppose all laws and new legislation which protects the United States from internal subversion. (ACLU News, September 1964, pg. 1)

The ACLU's budget for 1965 is \$1,000,000. Compare this to the \$300,000 received by the House Committee on Un-American Activities during the 88th session of Congress, a \$60,000 cut from the previous session. (CIVIL LIBERTIES, January 1965, pg. 3-4)

The ACLU protested the exclusion of Communists and pro-Communists from coverage of the Equal Employment Opportunity section of the 1964 Civil Rights Bill. CIVIL LIBERTIES, ACLU publication, January 1965, pg. 3)

The ACLU denounced the investigation by the Senate Internal Security Subcommittee of Communist infiltration into the Pacifica Foundation's radio stations in San Francisco, New York, and Los Angeles as a "gross violation of the constitutional protections of the First Amendment." (CIVIL LIBERTIES, No. 204, Feb. 1963, pg. 1)

WHEN IS THE AMERICAN LEGION GOING TO CARRY OUT THE MANDATES OF THE RESOLUTION OF THE NATIONAL CONVENTION REGARDING INVESTIGATION OF THE AMERICAN CIVIL LIBERTIES UNION?

We must, enmasse, as individual members of the American Legion, write to the House Committee on Un-American Activities (Congressman Edwin Willis, Chairman, Washington, D.C.), sending carbon copies to J. Edgar Hoover and U.S. Attorney-General Nicholas Katzenbach, and demand this long overdue investigation.

THIS REPORT MADE AVAILABLE BY AMERICAN LEGION, LUKE-GREENWAY POST NO. 1, PHOENIX, ARIZ and GENERAL DOUGLAS MAC ARTHUR POST NO. 51, PHOENIX, ARIZONA.

For a comprehensive documentary report entitled "Does the American Civil Liberties Union Serve the Communist Cause?" send two dollars to Maricopa Advisory Council, 18 E. First St., Rm. 201, Scottsdale, Arizona.

February 12, 1965

REC-109

61-190-1103

[Redacted]

Informant

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b7C

Reading, Pennsylvania

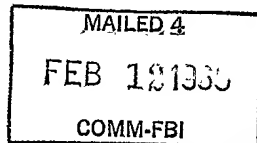
Dear Mr. [Redacted]

I received your letter of February 9th and want to thank you for your thoughtfulness in writing as well as for the confidence you expressed in the work of this Bureau. I can assure you that the FBI is ever cognizant of its responsibilities with regard to the internal security of our Nation, and it will continue to make every effort to discharge its obligations with the highest degree of thoroughness and dispatch.

FER 12 3 36 PM '65
REC'D-READING ROOM
FBI

With respect to your inquiry, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. I regret I cannot be of help in this instance but trust you understand the necessary reasons for this policy. It is hoped you will not infer either that we do or do not have data in our files relating to the American Civil Liberties Union.

Enclosed is some material which I trust will be of interest.



Sincerely yours,
J. Edgar Hoover

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____

Enclosures (5)
4-1-61 LEB Introduction
4-17-62 Internal Security Statement
Let's Fight Communism Sanely
Faith in God--Our Answer to Communism
The Nation's Response to Communism

MAIL ROOM ☐ TELETYPE UNIT ☐
DFC:med (3)

See NOTE page 2.

Mr.

b6
b7C

26

NOTE: The American Civil Liberties Union has not been investigated by the Bureau. The Los Angeles Chapter of this organization has circulated a petition recommending the abolishment of the House Committee on Un-American Activities and, in 1958, the Seattle Chapter recommended an investigation of the FBI.

TRUE COPY

Feb. 9, 1965

✓Dear Mr. J. Edgar Hoover:

○ I'm writing concerning the organization called the American Civil Liberties Union. In Lebanon, Pa. and in Wisconsin this outfit instigates proceedings against prayers in the public schools and before meals. We know the Supreme Court ruling, but in Lebanon, Pa. the school board defied the ruling for several months.

The ACLU seems to be a subversive in nature and I wonder if it has been investigated as being such. I cannot see why laws are not enacted to deal with all such groups.

I'm very much disturbed with communist infiltration on our Supreme Court. How else could one justice in 103 communist cases out of 103 voted in their favor. You figure that one out. A communist can do as he pleases and the Supreme Court finds a loop hole to set them free everytime.

Eternity will prove that the State Dep't as well as other branches of the government are full of commies. These things are frightening and trust that you will do something about it.

I also was very happy with the stand you took with Martin Luther King episode.

I have faith, confidence, and utmost respect for the fine job which you have done these many years.

A reply to this letter will be greatly appreciated.

I remain



Reading, Pa.

b6
b7C

mmh
ack 2-12-65
DFC
TC
2-11-65
med

Feb. 9, 1965

Dear Mr. J. Edgar Hoover:

I'm writing concerning the organization called the American Civil Liberties Union. In Lebanon, Pa. and in Wisconsin this outfit instigates proceedings against prayers in the public schools and before meals. We know the Supreme Court ruling, but in Lebanon, Pa. the school board defied the ruling for several months.

The ACLU seems to be a subversive in nature and I wonder if it has been investigated as being such. I cannot see why laws are not enacted to deal with all such groups.

REC-109 190-1103
FEB 10 1965
CORRESPONDENCE

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Communist Infiltration on our Supreme
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in 103 communist cases out of 103
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I remain

2E

Reading, Pa.

b6
b7C

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 2-11-65

FROM : M. A. Jones

SUBJECT: AMERICAN CIVIL LIBERTIES UNION
44TH ANNUAL REPORT

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

Robert B. Baker
W. J. Jones
Horan
DeLoach

The American Civil Liberties Union (ACLU) has forwarded a copy of its 44th annual report to the Bureau together with a copy of a news release which has been prepared for this report for release 2-15-65.

The annual report is a recapitulation of the actions taken by the ACLU and other organizations and individuals during the period of July 1, 1963, to June 30, 1964. The Bureau and the Director are mentioned in only two places in this report.

On page 75, under the heading Police Review Boards, the report stresses its support for police review boards and mentions those boards in Rochester, New York, and Philadelphia, Pennsylvania, and their review activities in connection with riots which occurred in those cities last year. It states that, "It would seem that the police review boards in Rochester and Philadelphia had enough work on their hands to improve community-police relations without the Federal Bureau of Investigation, but the FBI also entered the controversy with a report on the riots in both cities that sharply criticized the boards." The report states the Bureau claimed that police in Philadelphia and Rochester were almost paralyzed by the restraining presence of the boards in putting down the riots and that this restraint emboldened the rioters.

This, of course, relates to the Director's report on city riots which was prepared at the request of the President. This report was dated 9-18-64, and covered riots in seven cities including Rochester and Philadelphia. Our report did pinpoint the restraint placed on the police officers by civilian review boards and indicated that interviews with individual policemen had revealed that they were reluctant to fully carry out their responsibilities for fear of adverse action by civilians unfamiliar with the necessities of mob control.

The other reference to the FBI in the ACLU's annual report, on page 80, concerns the alleged disclosure by the Bureau of the prior criminal records of the men arrested and later convicted for the kidnaping of Frank Sinatra, Jr. The report states that the ACLU "labelled Hoover's disclosure as 'extraordinarily damaging' to the defendant's right to an impartial trial." In this regard it is noted that John de J.

- 1 - Mr. DeLoach
- 1 - Mr. Sullivan

ELR:gms

(5)

F198
ENCLOSURE
EXHIBIT ATTACHED

REC- 40

67-190-1194
6 FEB 18 1965

Continued next page.

60 FEB 25 1965

CRIMINAL JUSTICE

M. A. Jones to DeLoach Memo
RE: AMERICAN CIVIL LIBERTIES UNION

Pemberton, Jr., Executive Director of ACLU, wrote the Bureau on 2-4-64, and enclosed a copy of his letter to the Attorney General of the same date in which he took issue with the alleged pre-trial publicity in the Frank Sinatra, Jr., kidnaping case. Pemberton solicited the Director's comments on this matter but the Director noted that we should ignore Pemberton as he had written the Attorney General directly; therefore, the Department could reply as it saw fit. In this regard, Mr. Hoover also stated, "I want no further dealings with Pemberton. The least he could have done was to have taken it up with us, but he makes a 'project' out of it by writing A. G. H."

The press release which accompanied this annual report is merely a summary of the main points covered in the report, and mentions prominently ACLU activities to combat various alleged infringements of civil liberties. The press release is critical of the House Committee on Un-American Activities and notes decisions by the Supreme Court which were in line with the goals of the ACLU.

RECOMMENDATION:

None. For information.

✓
B PMJ

gmc

**defending
the
bill of rights**

**the stakes
grow
higher**

**44th
annual
report**

**american
civil
liberties
union**

defending the bill of rights

**the stakes
grow
higher**

**44th
annual
report**

July 1, 1963 to
June 30, 1964

**american
civil
liberties
union**

156 fifth avenue
new york, n. y. 10010

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THE STAKES GROW HIGHER

By John de J. Pemberton, Jr. W

This year's events affecting civil liberties were a mixed catch. What stands out about the year is how rapidly the stakes are becoming higher—how much the perfection of our liberties intertwined with accelerating changes in the nation and the world, and how much the adequacy of our responses to these changes will depend upon the perfection of our liberties.

I.

We may rate high on the positive side of this year's ledger the adoption of the most comprehensive federal Civil Rights Act since the Reconstruction Era. We can be proud that this law constitutes an important first step in dealing with the major blight on our nation's dedication to liberty and justice. We can congratulate ourselves that its adoption attested to the effectiveness of a courageous protest movement which brought that blight to the level of national consciousness in 1963, and that the filibuster which has commonly faced all civil rights legislation in the Senate this year actually produced a debate, elucidating issues without weakening the resolve of civil rights proponents. All of this is a tribute to our capacity to use our rights in the resolution of real problems and in the determination of our own destiny as a nation.

But it would be foolish to expect the necessary succeeding steps for dealing with the blight of racial inequality to follow in a level continuum of progress. The major effort necessary to produce the Civil Rights Act dealt only with the least complex aspects of the problem—with the most overt and least easy-to-rationalize practices designed to deprive non-whites of elementary rights and privileges. The attainment of genuine equality is blocked by far more complex obstacles, more subtle practices of discrimination as well as of the disabling consequences of past discrimination, which will test our capacity for self-government. And the urgency of overcoming these obstacles is attested by the continuing upward movement of the measurable indicia of inequality—in the gap between earnings of whites and non-whites and between their respective employment opportunities, in the ghettoization of residences, and in the extent of educational disadvantage.

A second event among those making major headlines warrants a much lower rating on our ledger. Libertarians should have been elated that a major party presidential candidate undertook this year, in contrast to the campaigns of recent presidential challengers, to assault basic premises upon which both domestic and foreign policy has been

conducted. In the tradition of John Stuart Mill, libertarians could have been expected to welcome the Republican candidate's challenges to civil liberties premises themselves—premises of our system of rights to a scrupulously fair trial when accused, of our ideals of freedom from invidious discrimination based upon race, of constitutional provisions for political equality in the election process, and of guarantees of freedom of conscience for members of dissenting religious minorities. Open political assault upon such fundamentals should have evoked discussion of principles long held undebatable and, therefore, dimly understood and unevenly applied.

But debate in the 1964 campaign failed to rise to the level of such expectations. Indeed, the real debate occurred outside of the election campaign. The challenger's sloganeering complaints about giving a man "a sporting chance to go free, even though nobody doubts . . . that he is guilty," failed to rise to the level of true debate; but those who would relax restraints on law enforcement methods are making telling points in legislative hearings and in the public press against libertarians (who would still enlarge the protections afforded individuals) and are being met by strong counter-argument in return. Eye-catching campaign headlines about "the freedom not to associate"—with men who seek an education, a job, or a cup of coffee, not admission to an exclusive club—failed to contribute to meaningful debate. But significant debate about discrimination, in Congress and in the media of public discussion has been stimulated by the civil rights movement and the efforts for adoption of the Civil Rights Act of 1964. Campaign talk about the "moral crisis of our time" fell short of the level of debate in Congressional hearings this spring concerning proposals to amend the Constitution to permit prayers in the public schools. In short those who welcomed a major political contest in which every premise of our social order would be open to question—and let us be perfectly clear: no one of them is beyond question nor incapable of benefit from hard and hostile questioning—were justly disappointed that the right questions were never asked.

However, the campaign did not leave civil liberties unaffected; rather it disclosed a deep and widely held hostility to much that has been too long taken for granted—including many principles of the Bill of Rights itself. The presidential election results tell little of the extent of that hostility, particularly of the anti-libertarian element in it. The Republican vote included many who did not share their candidate's hostility to libertarian premises and did not include many more who did. (For instance, California's anti-fair-housing constitutional amendment carried nearly two-to-one in the same election in which he lost that state's electoral votes.) What is sure is that the impetus to challenge these premises will continue. The real debate that did not materialize during the campaign will yet occur, and every libertarian should welcome the confrontation.

II.

Moving beyond the subjects of major headlines, the year this report documents yielded significant gains for civil liberties, especially in judicial decisions affecting the right to travel, state loyalty oaths, right to counsel in state court proceedings, compulsory self-incrimination in state actions, and state legislative apportionment. We can also be encouraged by the attention which events have this year focused on two civil liberties issues of importance. (1) The tragic events of November 1963 in Dallas set in motion a number of studies of the problems of prejudicial publicity preceding the trial of persons accused of crime. Major attention was given to this publicity by the Report of the Warren Commission on the Presidential Assassination and its *res gestae*. New attention is being given the problem in litigation and in the opinions of courts. The opportunity for basic institutional improvements has been considerably enhanced. (2) The many clashes between civil rights demonstrators and police have substantially increased the public attention being given police practices generally and especially to the ACLU-sponsored innovation of an independent, citizens police review board. Despite the renewed interest in this reform, intense resistance to it on the part of most law enforcement officers has kept remote the prospects that additional communities would adopt it. In fact the intensity of hostile reaction has often kept community debate from coming to grips with relevant considerations for and against adoption. Renewed attention to the reform—and to the underlying problem of how individuals are to be given an effective remedy for abuses of police authority—may nevertheless represent a net gain.

Last spring's hearings in the Judiciary Committee of the House of Representatives on proposals to amend the religion guarantees of the First Amendment produced a drama in vignette of the potential of the democratic process. When these hearings opened in April, Congressional mail, letters to the editor, and opinion samplings unequivocally indicated that political fortunes would flow from support of the so-called "prayer amendments" to overrule the Supreme Court's decisions barring Bible reading and prayers in the public schools. Exercising great political courage, leaders of the Committee conducted proceedings which probed into basic principles of the twin guarantees against establishment of religion and prohibition of its free exercise. Eloquent spokesmen for many religious denominations, as well as for such citizen groups as the ACLU (page 36), elucidated the historic values imperiled by proposals to amend these guarantees. As a result the hearings served the highest purpose of legislative committee proceedings, contributing such clarification of the issues—both within the Committee's chambers and in the larger forum of public opinion as well—as to halt what had earlier seemed an overwhelming momentum behind the drive for adoption of some amendment.

But if the turnabout effected by the Committee's hearings was an

encouraging sign the "prayer amendment" phenomenon itself continues to cause deeper concern. The proposals were after all the first seriously considered efforts during 173 years of the history of the Bill of Rights to withdraw one of its guarantees by constitutional amendment. The proposed amendment enjoyed immense popular support—initially at least—because the very object of the guarantee to be amended, religious liberty, was confused with the purpose of the proposals to amend—was viewed as having been thwarted rather than advanced by the existing provisions of the First Amendment. Such a 180° disorientation as to the purpose served by a basic constitutional guarantee reflects the danger inherent in uncritical acceptance of general principles and an absence of particularization. Whatever one generation may have conceived to be the religious liberty furthered by its adoption of the First Amendment, and intervening generations took for granted, was weakened in its transmission to this generation, in whose time the principle is being tested by being applied. Whether or not the Supreme Court accurately reflected the conceptions of the revolutionary generation when it enunciated the school prayer decisions, the extent of difference between its exhaustively reasoned application of a principle central to our traditions, and the popular conceptions which gave momentum to the proposals to amend surely reflects the atrophy of conception which years of disuse made possible.

Still more alarming was the phenomenon of the late summer's debate on reapportionment litigation. Here the proposals were not only to amend the Constitution, but to enhance the prospects of adopting any amendment by halting judicial reapportionment of the state legislatures to which that amendment would be submitted for ratification. Once before, in the Reconstruction Era, the Congress imposed its will on what the Supreme Court might decide by withdrawing jurisdiction for it to hear cases of the class that Congress feared. This year the House of Representatives sought to do the same, with cases affecting state legislative apportionments, in a proposal to withdraw such jurisdiction from both the Supreme Court and the lower federal courts. A far more modest plan in the Senate would (in the form in which it was ultimately debated) have simply commanded a stay in these cases, barring exceptional circumstances, for a period of a little more than one year. This time a determined group of Senators used the filibuster device to focus public attention on the serious implications of this threat—both to the independence of the judiciary and to the substantive values involved in voter equality. The combination of a developing counter-consensus and the press of the drive for adjournment brought the Senate to its less dangerous, "sense of the Congress" compromise. In the House-Senate conference committee, even this degree of tampering with judicial proceedings fell by the wayside and the 88th Congress adjourned without having moved in the direction of nullifying the Supreme Court's reapportionment decisions. But both political fortunes and the survival in-

instincts of those who will be adversely affected by reapportionment remain. There certainly will be renewed intensity in the drive to override the Supreme Court rulings in the next session of Congress.

Another, although sectionally limited, evidence of the anti-libertarian tensions of the 1960's especially concerns the Union. This is the harassment of Southern lawyers who represent unpopular litigants in "race" cases. Discouraging such representation, of course, becomes a *sine qua non* achieving the "closed society" about which James W. Silver wrote.* That some areas of the deep South have reacted to the revolution in racial equality to close their societies still further—to suppress all dissent and to oppress all dissenters—is evidenced by the increasing number of such lawyer harassments. The indictments pending against Benjamin E. Smith and Bruce Walzer and the suit to enjoin their prosecution (pages 56-57 and 90) epitomize this problem. In a region in which this aspect of professional responsibility has chronically been a problem within the bar, the current phenomenon of lawyer harassment, with its concomitant impact on due process for defendants, peculiarly deserves attention—by the Bar and the public.

But we have adequate evidence that anti-libertarian tensions arising out of the revolution for racial equality are not confined to the South. They have been successfully exploited in several Northern cities, as well as in the state of California, in the conduct of referenda affecting fair housing legislation (page 95). They are felt in the pattern of fear responses to civil rights demonstrations and rioting rooted in the frustration of racial discrimination. And their paralyzing effect is demonstrated whenever the response of public officials to these events is narrowly focused on the problems of "law and order" (indeed real in cases of violent behavior) without priority concern for the grievances they manifest.

Tensions toward constricting our open society, observed in such widely different phenomena as the prayer amendment proposals and the rejection of fair housing legislation, may yet confront us in a more difficult way. The growing tendency to identify problems of crime and law enforcement with protections given to the rights of an accused is widely supported. Fear of crime, particularly of crimes of violence, are real and are growing. They can be expected to influence official action increasingly as the social conditions which breed crime proliferate. Moreover, there is a special fragility about the rights of an accused (and "of the people to be secure in their persons, houses, papers and effects"): First, they must be expressed in procedural rules or in rules governing the procedures of law enforcement officers, which may easily be made to seem complex and technical. And, second, in the development of court decisions defining them, often persons who have repeatedly been charged with crime and can easily be stigmatized with a presumption of

* James W. Silver, *Mississippi: The Closed Society*, Harcourt, Brace and World, 1964.

guilt, are the ones who champion the preservation of these basic rights—for all. The understandable frustration of law enforcement officials with limitations whose immediate effect is to overturn convictions—often the fruit of arduous and even hazardous work—is welding them into a new and powerful pressure group seeking to influence our laws. The search for easy answers will inevitably support moves to improve law enforcement at the expense of individual rights. It will not be easy, in the face of the universally recognized need for such improvement, to demonstrate that loss of basic constitutional protections—the heart of our freedom—is the wrong price to pay.

III.

What a group of distinguished Americans have aptly termed the "triple revolution*" insures not only the continued presence of these anti-libertarian pressures but the likelihood of their achieving unprecedented intensity. Just as the human rights revolution has tended to bring about closed societies in parts of deep South, the cybernation revolution and the weaponry revolution can be expected to join it in doing this elsewhere. While the Civil Rights Act suggests that the nation as a whole is prepared to recognize legitimate demands of the human rights revolution, when forcefully pressed, implications of these demands are far from widely understood in the North and the West. Though we lived through the extended and massive unemployment of the 1930's, we can only claim that such an experience does not leave us totally unaware when we confront the challenge of the prospective unemployment of the cybernation revolution. While we survived the McCarthy period—a first reaction in fear to the early apprehensions of the Cold War and the weaponry revolution—none of this history gives assurance that we can preserve anything of an open society, much less move forward toward having a truly free one, under the combined onslaught of all of these revolutionary changes in the circumstances of national life.

The fact is that the measures so far taken by us fall far short of arresting the erosion of opportunity that the combination of discrimination and technological unemployment are imposing on non-white Americans; the economic gap between whites and non-whites continues to grow. In its trail every other opportunity associated with our notions of equality is affected. Major assumptions of our economic order are changing under the march of technology at a pace that is accelerating out of all proportion to our experience; as increasing numbers of employees and job seekers are affected, we shall face no ordinary storm. The capacity for intolerable destruction is being acquired by additional nations while domestic pressures continue to force the conduct of much of our international affairs on the assumptions from an earlier era.

This combined onslaught not only threatens institutions of liberty

*Pamphlet: *The Triple Revolution*, The Ad Hoc Committee on the Triple Revolution, Santa Barbara, California, 1964.

and justice at the same that it threatens domestic and international stability. It not only calls upon us to build far stronger bastions for the defense of these institutions. It calls upon us to attain a wholly new level of performance in our experiment in self-government, for the fullest utilization of our civil liberties. The usual remoteness of the citizen affected by such events from those who exercise the power to deal with them will no longer suffice. Problems of unprecedented complexity and consequences of unprecedented severity call for institutions capable of unprecedented wisdom.

And yet the opportunity to resolve them is there. It is an opportunity to bring into being a wholly new phase of history, one which Gerard Piel has proposed to call the "Humane Phase." A world in which wars cannot be won could become one in which wars cease to occur. A technology that can at once over produce goods and underemploy people could be devoted to eliminating the crippling handicaps of poverty and preventable disease. A revolution in the world's conception of attainable equality and human opportunity could free a wealth of human talent, energy and spirit to enter the mainstream of life and history. And the wisdom essential to reach for such opportunity can be marshalled—if indeed so much wisdom is to be found at all—by a perfection of those rights essential to self-government and by their exercise. This is the task of the society that would become free.

* * *

The ACLU's particular role in this period of revolutionary change is to pursue every opportunity for strengthening the threads of liberty, so that the tensions of social change will not destroy the fabric of freedom. Whether this be through our traditional legal role, our legislative and administrative efforts, or our increasingly-important education function, the every-day actions of the Union are an essential element in this struggle.

We will equip ourselves better to wage this battle if the present members of the Union, and the many more we need to build our ranks, will enter into the every-day program, at their chapter and affiliate level—to enlarge the activity that our relatively small national and local staffs now carry on, aided by thousands of volunteers who daily demonstrate their dedication to civil liberties. We *are* making rapid strides toward becoming a fully national organization, one whose voice is heard across the land. But the strength of that voice, the wisdom of its comment, and the influence it commands, depends upon the participation of people who see the opportunity—and challenge—to create the truly free society.

This report was written by Mitchell Levitas, a New York journalist, and supervised by Alan Reitman our associate director. It covers civil liberties actions taken during the July 1, 1963—June 30, 1964 period (with updating of important issues), primarily by the Union but also concerning other organizations. Legal citations are not included, only because of limitations of space, but all information about a particular case available to the ACLU will be provided on request.

FREEDOM OF BELIEF, EXPRESSION AND ASSOCIATION

Censorship pressures dropped considerably as a result of United States Supreme Court decisions in the book and film field. The Court's rulings that Henry Miller's celebrated "Tropic of Cancer" and the French film "The Lovers" were not obscene were important victories. However, censorship problems continued to plague civil libertarians. Congress launched a drive to eliminate "morally offensive" mail; government mail checks on court defendants were uncovered; local censors of books and magazines spurred prosecutions against this trend; new legal attacks challenged the federal law allowing the Post Office to screen "foreign political propaganda."

The same mixed record was written in the field of academic freedom. The Washington state loyalty oath finally was knocked out by the United States Supreme Court, offering hope that other loyalty oaths will meet a similar unlamented fate. However, attacks on schools and libraries from ultra-right quarters continued to threaten freedom of thought. Assuming increased importance was the issue of granting students basic civil liberties in selecting speakers for meetings and guaranteeing legal protections when arrested in civil rights and other protest demonstrations.

A perennial civil liberties concern — preserving the separation of church and state — was caught in the backwash of the United States Supreme Court's decisions banning Bible reading and prayers from public schools. A proposal to amend the Constitution to allow such practices was defeated, but only after a major educational counter-offensive. Meanwhile, new questions arose to keep lawyers and educators busy, such as the concept of "shared time" under which students spend part of the day in public schools and the rest of the time in parochial schools.

Controversy continued to boil over the power of the Federal Communications Commission to regulate radio-TV affairs in the pursuit of more diversity on the air. The FCC took a great stride forward by renewing the license of three Pacifica Foundation stations, despite attacks on their controversial programming and an investigation by the Senate Internal Security Subcommittee of alleged Communist influences. The thorny question of greater diversity was illustrated by the Commission's difficulty in arriving at a satisfactory plan to allocate the

UHF spectrum and the usual four-year battle over equal time in political campaigns.

Important gains for freedom of travel were made by the United States Supreme Court in voiding the section of the Internal Security Act which barred passports to Communist Party members. But remnants of the McCarthy era — noisy investigations by the House Un-American Activities Committee and local hearings under the Internal Security Act — remained to curb freedom of speech and association.

Perhaps the major decision of the United States Supreme Court brought the greatest satisfaction — its holding that malapportionment of state legislative districts violated the principle of "one man, one vote," which imbued the Fourteenth Amendment with renewed vigor.

THE GENERAL CENSORSHIP SCENE

BOOKS AND MAGAZINES

The Courts

The U.S. Supreme Court climaxed years of legal controversy that had embroiled Henry Miller's novel, *Tropic of Cancer*. By a vote of 5 to 4, the Court held that the book may not be constitutionally banned, and reversed a Florida Supreme Court decision that had outlawed the book as obscene. At the same time, the high court overturned another Florida Supreme Court decision that banned *Pleasure Was My Business*, ostensibly written by a bawdy house madam. The Florida Civil Liberties Union supported both cases before the state court, arguing that neither book could be considered outside the constitutional safeguards of free expression. The U.S. Supreme Court agreed, but did not specifically discuss the constitutional issues involved. The majority opinion merely cited the Court's decision concerning *The Lovers*, a movie banned in Ohio (See p. 21), which they found not to be obscene according to the yardstick applied in the landmark 1957 *Roth* case. That ruling enunciated a community standard of judgment as to what the "average person" would find obscene and declared that works that had "any" redeeming social value were entitled to free speech guarantees of the First Amendment.

The decision in the *Tropic of Cancer* case resolved conflicting decisions in several state Supreme Courts. Along with Florida, the highest courts of

New York and Illinois ruled that the novel was obscene, although the Illinois Supreme Court reversed its decision in light of the U.S. Supreme Court's action. Massachusetts, Wisconsin and California held that it was constitutionally protected. The suit in California, backed by the ACLU of Southern California, was brought as a civil action by a bookseller, Jacob Zeitlin, and an English instructor, Paul Ferguson; their case was heard by the state Supreme Court, which had declined to review the earlier case of Bradley Smith, a Los Angeles bookseller convicted by a jury for selling *Tropic of Cancer*, which the jury found obscene. The state Supreme Court declared in the Zeitlin-Ferguson case that while the Miller novel was "a kind of grotesque, unorthodox art form," it was not hardcore pornography, and therefore could not be suppressed. The U.S. Supreme Court upheld this line of argument, for when it reviewed Smith's prosecution, the high court sent it back to a Los Angeles appellate court for reconsideration in light of the Zeitlin-Ferguson case and the matter was dismissed. Thus, the high court sidestepped a clearcut ruling on the question of obscenity, but foreshadowed its later reversal in June, 1964 of the Florida ban against *Tropic of Cancer*.

The U.S. Supreme Court decision was in line with a long-term trend that has sharply narrowed the legally acceptable definitions of obscenity and held state courts to stricter constitutional safeguards in prosecutions. Consistent with this trend, the high court found unconstitutional the seizure by Kansas police of 1,715 paperback books that dealt mostly with sexual adventures, on the grounds that the books were seized before there was a hearing to decide the question of obscenity. The ACLU has opposed for years such prior police censorship or criminal prosecution of booksellers. Rather, the Union backs *in rem* proceedings in which courts give an opinion on the alleged obscenity of a book before police move in with mass seizures and criminal arrests. Typical of such abuses was the confiscation of 21,000 copies of *The Evergreen Review* by police under the direction of the Nassau County, N.Y. District Attorney. The literary magazine was seized at the bindery by detectives who had not read copies of the publication—an illegal search and seizure in violation of the Fourth Amendment which a three-judge federal court struck down as "... wholesale suppression of allegedly obscene and pornographic material prior to any proceeding of judicial scrutiny . . ."

The New York State Court of Appeals, the state's highest court, ruled that John Cleland's 18th century account of a young English prostitute, *Fanny Hill*, was not obscene according to constitutional standards set by the U.S. Supreme Court. The court lifted an injunction that barred the sale and distribution of the book; it also held unconstitutional a section of the state penal law which made it a crime to sell to persons under 18 any book "the cover and contents of which exploits, is devoted to, or is principally made up of descriptions of illicit sex or sexual immorality." The court found the statute fatally "vague," a criticism which agreed with a strongly worded friend-of-the-court

brief submitted by the New York Civil Liberties Union. Coming to the defense of a bookseller and clerk convicted under the law, the NYCLU argued that it was a violation of free expression, as well as an unreasonable and crushing business burden, to demand that booksellers determine which of their many books might violate the penal law and which of their customers was under the age of 18. *Fanny Hill* rivalled *Tropic of Cancer* in the number of litigations and arrests its republication touched off. A cigar store owner in Norwood, Ohio won dismissal of charges against her after she sold a copy of the book to a city detective, but in Hartford, Conn. a businessman was arrested and 44 copies of the paperback edition were seized in alleged violation of the state obscene literature law. However, the latter action was subsequently dropped. Such local manifestations of zeal run counter to the U.S. Supreme Court's effort, in the *Roth* case and since, to set national standards for what may be obscene. The New Jersey Supreme Court unanimously conformed to this effort when it ordered a new trial for the largest magazine distributor in the state and its subsidiary, which had been convicted of selling allegedly obscene publications. The trial court erred, said the opinion, when it admitted the testimony of lay witnesses "tending to establish that the magazines in evidence were offensive to community standards in Hudson County," rather than applying national standards. "If, as we believe," said the opinion, "the Court in *Roth* intended by the phrase 'community standards' to reject the 'mid-Victorian' concept in favor of the 'contemporary,' and the effect on the weakest in favor of the effect on the average member of society, then the 'contemporary community' logically refers to society at large and not some local geographical area." Although a new trial was ordered it is doubtful if the matter will be pressed.

Decrying the threat to many magazine publishers posed by the federal obscenity conviction of Ralph Ginsburg, publisher of *Eros* and other erotica, the ACLU and its affiliate, the ACLU of Pennsylvania, argued for a reversal of the conviction in a friend-of-the-court brief submitted to the U.S. Circuit Court of Appeals in Philadelphia, where the decision was upheld. The severity of the sentence, five years imprisonment and a \$28,000 fine, will inhibit other publishers of material dealing with love and sex who will "publish only at their peril" lest they draw similar punishment, said the brief. The Union emphasized that it was not evaluating the merit of the material charged with being obscene. The brief asserted, however, that prosecution for obscenity should be based on proof that material would induce behavior in the normal adult which is legally judged criminal—a purely hypothetical causal relationship on which scientific opinion is split. Therefore, limitations on freedom of speech or the press because of obscenity are unjustified, and with the exception of utterances which "create a clear and present danger," all forms of speech are entitled to the protections of the First Amendment. Another argument presented in the brief was based on the *Roth* decision's holding that the

First Amendment's guarantees extend to ideas having "even the slightest" redeeming social importance. Nudist and "girlie" magazines come under the protection of the Constitution, the U.S. Supreme Court and many courts have held. Thus, though much of the material in Ginzburg's publications may be found offensive by many, said the brief, "the infringement of an individual's right to freedom of expression is not determined on the personal predisposition of a censor or a court."

Congress and the U.S. Post Office

Several court actions by the Union and its affiliates pressed the legal attack against Public Law 87-793, under which the Post Office is required to withhold delivery of Communist political propaganda that originates in foreign countries. Specifically challenged was Section 4008 of Title 39 of the law, which requires the addressee to indicate on a postcard whether he wants the mail delivered. If he answers affirmatively, the mail is forwarded; if he replies negatively, or fails to reply within 60 days, the mail is destroyed. Exempt from the screening process, conducted by the Bureau of Customs at eleven so-called "Foreign Propaganda Units," is mail addressed to government agencies, libraries and other educational institutions, and material sent to the U.S. under reciprocal agreements with foreign governments.

The ACLU of Southern California initiated the first test of the 1962 law in a Los Angeles federal District Court on behalf of Charles Amlin, a Pasadena truckdriver who argued that it interfered with his freedoms of speech and press under the First Amendment, and violated the due process protections of the Fifth Amendment by being "vague and indefinite." Amlin wanted to receive a pro-Communist newspaper published in Tokyo without providing written authorization to the Post Office. Rather than legally test the issue, the government treated his complaint as a request for the mail and forwarded it, thus mooting the case. In another test of the law, the ACLU of Northern California filed suit on behalf of Lief Heilberg, who ordered publications from Communist China. A three-judge federal court heard argument in the case and ruled that the government practice was unconstitutional.

The restrictions of Section 4008 also apply to Communist propaganda forwarded by a bookstore in the United States to a U.S. citizen through domestic mails, a further violation of constitutional rights of free speech and press. The Illinois Division of the ACLU filed a suit involving this aspect of the law on behalf of Arthur B. Abelson, an ACLU member living in New Orleans who ordered material from a Chicago bookstore but was denied receipt unless he forwarded the postcard; the case, brought in the federal District Court for the Northern District of Illinois, is pending. The national ACLU and the NYCLU filed an appeal to the U.S. Supreme Court on a suit lost in a New York City federal District Court on behalf of David McReynolds and Fritz Pappenheim, the latter a Cambridge, Mass. sociologist, who were required to specifically request

mail deemed "Communist political propaganda" or else have the mail destroyed. Pappenheim bought from a New York City bookstore such titles as *Dialectics of Nature* by Friedrich Engels, *Past and Present*, by a group of Oxford University scholars, and *Letters from China* by Anna Louise Strong. A few days later he received a postcard from the Postmaster in New York instructing him to state whether he wanted to receive the "Communist political propaganda." Though Pappenheim requested more information and an extension of the 60-day deadline he got no answer. But some two months later the books were delivered to his home.

The ACLU suit said that Section 4008 violates the First Amendment "by interfering with the plaintiffs' right to receive expressions of opinion on political issues and expressions on other subjects, with their right to consider such expressions freely without Government interference, and with their right to freely communicate such expressions." In asking that the court declare the statute unconstitutional, the Union charged that both men were coerced by the law to forego receipt of the mail or have themselves listed with the Government against their will and subject to possible harassment by federal agencies or legislative investigating committees. In addition, said the Union, the law is unconstitutional because the determination of what constitutes Communist political propaganda is "vague, arbitrary and capricious" since it depends on the judgement of individual Customs Bureau employees.

Another apparent government censorship operation, this time by the Foreign Assets Control Divisions of the Treasury Department, was protested by the ACLU to Secretary of the Treasury Douglas Dillon. In a letter to Dillon the Union said it was "aghast" that FAC regulations, which prohibit the unlicensed purchase abroad or the importation of goods and merchandise from Communist China, were used to bar delivery of pamphlets and magazines by Anna Louise Strong to persons in the United States. Later, when the material was returned to Peking and Miss Strong sent it first class (outside the category of "merchandise or goods") it was received without interference. The Union's letter condemned the censorship activities and called Dillon's attention to Public Law 87—793 which permits the Post Office to release foreign political propaganda if the recipient requests it. In this case however, the ACLU noted the individuals were never notified of the Strong pamphlets. Following the protest, the Treasury Department conceded that the incident "can only be explained as an oversight."

The ACLU and its affiliate, the New York Civil Liberties Union, condemned as a "shocking invasion of privacy" the disclosure that the federal government maintains daily mail checks on some 750 persons. The check, which consists of recording all the information on the envelopes of letters, came to light when the attorney for Roy Cohn, on trial for perjury and the obstruction of justice before a grand jury, charged that his and Cohn's mail was being watched. (Cohn was acquitted

of the charges). The ACLU called on the U.S. Attorney General to make a public pledge that the mail checks would be discontinued to calm public concern that "a censorship practice associated with totalitarian governments" was being practiced in the United States. The Attorney General did not reply and the Union plans to press the issue further.

The House of Representatives revived and passed a species of pre-censorship that died in the previous Congressional session, and once again the ACLU expressed its strong opposition to the bill. The Senate did not act on the measure, which is aimed at stopping repeated mailings of unsolicited material that recipients regard as morally offensive. If, after they inform the Postmaster General that they do not wish to receive mail from these publishers, the senders continue the mailings, the Postmaster General can move to punish the violation as a contempt. The Union criticized the measure on two grounds: as a prior restraint on publication it is "an especially aggravating form of denial of free speech;" and since it made every man his own censor it had the "clear potential of paralyzing expression on the most important issues of our day." Opinions on any such issue are likely to be morally offensive to someone, the Union pointed out, and senders of all sorts from segregationists to the NAACP and CORE would be forced to censor their mailing lists or face contempt convictions. The solution, said the Union, was for the recipient to throw away the mail he does not care to read.

The ACLU criticized the criteria chosen by the General Services Administration to govern the selection of magazines sold by vendors in federal buildings. Generally, the vendors are blind. New GSA regulations were proposed in 1964 following a public outcry over the removal in 1963 of a wide variety of magazines (ranging from *The National Review* to *The Nation*) in government buildings in California, Nevada and Hawaii; the Union's opposition to the "vague, redundant, arbitrary and restrictive" standards promised to prolong the controversy. Among the standards, to be enforced by the heads of GSA regional offices and the state licensing agency, were whether magazines are popular, and in good taste "under the decency concepts of the average person," or whether they are "patently offensive."

The Union said that such criteria are faulty both in concept and content because they would probably be impossible to meet within constitutional limits of free expression. "If a government agency undertakes to provide facilities for the distribution of publications," the ACLU said, "it must conform to the constitutional principles that protect the free press. We submit that the proposed General Services Administration standards regulating the sale of publications at vending stands in federal buildings fall short of these principles." The ACLU urged the rejection of the GSA's proposed censorship criteria on the grounds that this type of censorship violates the right of the citizenry to sell, to buy and to read written material of almost any nature without hindrance.

State and Local Issues

The last official act of the Rhode Island Commission to Encourage Morality in Youth was by far its wisest. By a 6 to 2 vote of its members the Commission recommended its own abolition. The action was taken more than a year after the U.S. Supreme Court ruled that the controversial Commission violated the First Amendment by its practice of sending dealers and distributors blacklists of books and magazines it found objectionable (*see last year's Annual Report, p. 8*). The Commission could not ignore the high court decision. It did, however, ignore an earlier report by the state's "Baby Hoover" panel which recommended that the Commission become an advisory body to the state Attorney General. The report said that courts can provide the best remedy against obscenity, since they can "engage in detached decision making in this sensitive area." The Rhode Island Commission lasted for seven years. The only other state that operates a comparable commission with a paid staff is Georgia.

Federal officials and civil liberties advocates became increasingly concerned over a grass-roots movement in more than a score of communities, mostly in the South, inhibiting the sale of goods produced or processed in Communist countries. The State Department said that such ordinances hamstringing U.S. foreign policy. The Justice Department and civil libertarians believe that such statutes are unconstitutional restrictions of free expression and a merchant's right to trade. A typical statute requires a store carrying Iron Curtain goods to put up a sign advertising the fact and to buy a highly priced license—\$5,000 in Birmingham—for the right to sell such merchandise. The constitutionality of the ordinances are very much in doubt, but they have not been finally tested. In Columbus, Ohio three municipal court judges split 2 to 1 against the local ordinance in a case backed by the Ohio Civil Liberties Union. Arguing on behalf of bookseller Alkassem Hasan Miqdadi, (*see last year's Annual Report, p. 16*), the OCLU said the ordinance violates the exclusive power of Congress to regulate foreign trade, set down in Article I, Section 8, paragraph 3 of the Constitution, and the right of the President to make foreign policy. In addition to invading federal jurisdictions, said the OCLU, the law invades individual rights guaranteed by the Constitution. The licensing law violates the due process clause of the Fourteenth Amendment by abridging the merchant's freedom of speech and the press. Columbus' \$100 licensing fee is a discriminatory tax. As for mandatory signs proclaiming the origin of the goods, the affiliate quoted a U.S. Supreme Court opinion in an earlier case which declared that "inviolability of privacy in a group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." In another Columbus, Ohio case, the Municipal Court threw out charges against a second merchant whose stock included baskets made

in Yugoslavia. The court said the ordinance jeopardized Congress' right to regulate foreign commerce and cited a 137-year-old U.S. Supreme Court ruling which held that the commerce clause in the federal constitution extends protection to the importer to sell his goods, once they have entered the country.

The Florida Civil Liberties Union, long an active opponent of the Johns Committee, a state legislative pursuit of alleged subversives, came to the defense of the Committee in the interests of civil liberties principles. "Two wrongs do not make one right," said the affiliate, explaining why it condemned an order by the state Attorney General banning a Committee report on homosexuality as obscene. Even though the FCLU has regarded "each and every report of the Johns Committee as being richer in fiction than in fact," the determination of obscenity is a matter for the courts and not peace officers, the affiliate said. "Suppression of the report is a blow to the First Amendment guarantees of freedom of speech and the press." The Johns Committee's purpose in making the report was to win support for its proposals to control and register alleged homosexuals.

Illegal searches and seizures of printed material by police in Michigan and Illinois were quashed by quick action on the part of ACLU affiliates. The Greater Flint chapter of the ACLU of Michigan filed a friend-of-the-court brief in a lower state court supporting a merchant whose store was padlocked by police and whose magazines were confiscated. Rebuking police for treating a search warrant as a "blank check to be used . . . at their whim," the judge said that "the power to close any business, be it a public nuisance or otherwise, is reserved to the judiciary where there is machinery to preserve the individual's rights." The magazines in question were "immodest" he said, but "failure to comply with the predominant taste or customs of the community is not as yet a criminal act." The judge also quoted the revised Michigan Constitution which provides that "every person may freely . . . publish his views on all subjects . . ." In Chicago, the Illinois Division of the ACLU successfully defended a bookseller who was raided by police. Some 20,000 books and magazines were ordered returned because the search warrant failed to state whether the dealer had personal knowledge that the literature was obscene and because the warrant did not specifically describe the publications to be seized.

In other actions by ACLU affiliates:

¶ The District Attorney dropped the case against a South San Francisco couple who were defended by the ACLU of Northern California. The couple was acquitted on appeal of selling obscene books on the ground that the trial judge erred in failing to admit evidence of contemporary community standards offered by the defense. Rather than retry the case on other issues, the District Attorney dismissed the charges "in the interests of justice."

¶ The Colorado Branch successfully protested warnings by the Denver

police chief that *Tropic of Cancer* was obscene, in his opinion.

¶ The National Capital Area CLU helped end institutional mail censorship at the District's home for the aged.

¶ The New Mexico CLU publicly opposed the adoption of an Albuquerque ordinance banning "obscenity".

¶ The St. Louis Civil Liberties Committee offered to aid defendants arrested under a new county decent literature code which the Committee argued was dangerously vague and constituted semi-official censorship.

Private Pressure Groups

Following an exchange of letters between the ACLU and the National Junior Chamber of Commerce on book and magazine censorship, the latter disavowed any intent to compile lists or guides of undesirable material. The exchange was touched off by a Maryland Jaycee newsletter which reported a national plan to issue a "seal of approval" to drug stores which "don't expose young people to pornography." The NJCC was quick to point out that the report was erroneous; all the group had in mind was seeking the cooperation of storeowners in removing "girlie" magazines and such from the same display areas that feature comics and the more routine magazines aimed at young people such as *Popular Mechanics*. ACLU executive director John de J. Pemberton, Jr. backed the Jaycee's opposition to a "seal of approval" plan. In a letter to NJCC president Richard H. Headlee he emphasized the ACLU's clear distinction between the right of an organization to say what they think about publications and the attempt to act as censors. "A seal of approval for books is particularly obnoxious," Pemberton wrote, "because it is a weapon that leads to widespread censorship. . . . Thus the will of a private organization by means of economic sanctions, is imposed in the highly sensitive field of communication." Such coercion would deter patrons from patronizing stores without a "seal" and force stores into accepting the Jaycees as a review board for the magazines they sell. Headlee's reply noted that the organization had no intention of issuing any list of undesirable magazines, and would rely on the "individual judgment" of proprietors "as to any censorship implied or otherwise." Winding up the exchange, the Union commended the NJCC for its "constructive approach" in leaving it up to the storeowner to decide whether or not he wanted to take part in the proposal.

Advocates of intellectual freedom were involved in struggles against book-banners in communities from coast to coast. It was far from an easy victory, but vigorous protests by civil liberties advocates managed to keep them ahead of the opposition. Trustees of the Carlsbad High School in Oceanside, Cal. denied a demand by a small group of parents to remove the controversial *Dictionary of American Slang* from the school library. Supported by a local press that staunchly opposed censorship, citizens of East Patterson, N.J. defeated a drive to take the book off

the shelves of the town library. Despite the outcome in East Patterson, the ACLU of New Jersey noted with concern the growing number of Decent Literature Committees in the state. In particular, the affiliate lodged a protest with the Board of Education in Caldwell, where the Board withdrew permission for a Right to Read group to hold a public meeting at the school. Moreover, two principals of the local school system resigned their positions after the superintendent of schools told them he disapproved of their membership in the Right to Read organization. The Greater Philadelphia Branch of the ACLU condemned a book burning of offensive magazines and a boycott promoted by a local clergyman. The ceremonial fire, attended by the police commissioner and the superintendent of schools, was denounced as "an obnoxious symbol of intolerance and bigotry, reminiscent of Hitler and Savonarola."

In other actions by ACLU affiliates:

¶ The Milwaukee Chapter of the Wisconsin Civil Liberties Union protested the attempt by a group of 25 housewives to close down three sidewalk news-stands that sell "girlie" magazines; the City Council declined to act on the housewives complaint.

¶ The Worcester County, Chapter of the Civil Liberties Union of Massachusetts blocked an attempt to censor a history textbook proposed for the public school system and succeeded in having the school committee adopt a resolution opposing attempts at censorship.

¶ The Worcester Chapter also questioned the value of a sweeping anti-smut campaign, launched with lurid displays of pornographic material, including the unproved allegation that smut causes mental and physical damage.

¶ The Lansing, Mich. Board of Education refused to remove *Tropic of Cancer* from a library, thus earning the commendation of the local chapter of the ACLU of Michigan.

¶ The Cincinnati Civil Liberties Union met with the local police commissioner to denounce widely reported collusion between police and the Citizens for Decent Literature, a nationwide group with headquarters in Cincinnati, which uses public officials to drive objectionable material off newsstands. As a result, mass seizures of books has halted and complaints are referred to the local prosecutor.

¶ The chairman of the North Shore, N.Y. Chapter of the NYCLU was called on to defend his own personal civil liberties when he was arrested for distributing civil rights handbills without a license; the case was subsequently dismissed.

¶ The ACLU of Northern California successfully challenged a ban on anonymous political campaign literature, and in another case won the dismissal of charges against a woman evangelist who was distributing tracts and accepting funds for missionary work "without a permit".

¶ The right of a young evangelist to hand out Bibles and other religious material on the Urbana campus of the University of Illinois was established in the courts, thanks to the Illinois Division of the ACLU which

defended him against University charges of trespass.

¶ Pitcher Jim Brosnan struck out in a civil liberties contest with the management of the Chicago White Sox. Brosnan was released when he refused to sign a contract that barred him from writing articles during the baseball season. The Illinois Division of the ACLU unsuccessfully protested the attempt to limit his right of free expression.

MOTION PICTURES

The Courts

The U.S. Supreme Court extended the principles of civil liberties in overturning the obscenity conviction of Nico Jacobellis, a Cleveland theater owner who showed the French film, *The Lovers*. It was the second time the high court heard argument in the case (see last year's *Annual Report*, p. 17). The decision, which held that the film was not obscene, liberalized the "community standards" for judging obscenity set down in the Court's pace-setting *Roth* decision to mean the "whole nation" or "society at large" rather than a local community. In a friend-of-the-court brief filed by the ACLU and its affiliate, the Ohio Civil Liberties Union, the Union argued that the *Roth* decision itself used vague definitions in such phrases as "average person" and "prurient interest." Such language was subject to so many individual interpretations, said the brief, that it provided no precise yardstick. The Union also argued that all forms of expression, even obscenity, are entitled to protection under the First and Fourth Amendments unless there is a clear and present danger that they will result in substantive evil, such as the material causing anti-social acts. Finally, the brief said that the due process clause of the Fourteenth Amendment was violated in the case because the state was never required to prove that Jacobellis knew that he was showing obscene material. The U.S. Supreme Court did not reach a discussion of these constitutional issues. Instead, the majority opinion stressed that it was undesirable to have differing state or regional standards to judge obscenity because free speech guarantees are protected by the federal constitution. The high court will have more to say about the question in its current term, since it agreed to review the conviction of a Baltimore theater owner who showed *Revenge At Daybreak* without a stamp required by the Maryland state censor. The exhibitor claims that the state has no right, under the First Amendment protections of free speech, to require a censor's approval before a public viewing. The case was appealed following a decision by the Maryland Court of Appeals, which said that the film was not objectionable but that the state had the right to precensor all motion pictures. The ACLU and its Maryland Branch filed a friend-of-the-court brief with the U.S. Supreme Court arguing that Maryland's system of pre-censorship was unconstitutional.

New York's highest court ruled that the portrayal of sexual intercourse on film was the equivalent of having intercourse in public and

therefore could be proscribed without reference to the right of free expression under the First Amendment. The opinion, now on appeal to the U.S. Supreme Court, upheld a decision by the state Board of Regents that such scenes should be deleted from the Danish film, *A Stranger Knocks*, before a license could be issued. The court made a clear distinction between "thematic obscenity"—the advocacy of adultery, for example—and the actual portrayal of "obscene" conduct. The former is protected by the First Amendment, agreed the majority; the latter is nothing more than an act of public indecency. A Memphis criminal court judge declared unconstitutional the Tennessee anti-obscenity law under which the French film, *I Spit on Your Grave*, was confiscated and the theater manager arrested. The decision, which was not appealed, did not affect the city law setting up the Memphis censor board, since the manager was arrested under the little-used state law. The Ohio Supreme Court, in a unanimous opinion, declared unconstitutional the state law which prohibited the showing of an "indecent or immoral" film, whether or not the exhibitor knew it was indecent or immoral. A Pasadena city judge said that a local film censorship law was unconstitutional because it attempted to cover matters of morality already governed by state law.

State and Local Issues

The Civil Liberties Union of Massachusetts has long argued that Mayors and town Selectmen do not have constitutional authority to withhold or revoke theater licenses for censorship purposes. The affiliate's position was upheld in a lengthy opinion by state Attorney General Edward R. Brooke, who declared that as long as the film does not violate any statute, town officials have no right to crack down on theater licenses just because part of the community finds the film objectionable. The Maryland Branch, ACLU led an attempt in the legislature to repeal the law establishing the board of censors, but the proposal failed. Maryland censors themselves have taken a somewhat more liberal view of films that they screened recently, largely because a state Court of Appeals decision went so far as to rule that nudity in motion pictures is not necessarily obscene. The censors even conceded that *Revenge at Daybreak* was not objectionable and would have been approved for release if it had been submitted in the first place. The Maryland censors also cleared Jayne Mansfield's *Promises, Promises*, which touched off a storm in several other cities. The Greater Philadelphia Branch of the ACLU protested the banning of the Jayne Mansfield film, which also ran into trouble in Cleveland and Pittsburgh. In Cleveland, the film at least got a jury trial before it was banned as obscene. In Pittsburgh, an exhibitor cancelled future showings after police swooped down on him at the urging of a local clergyman. The first trial under a 1963 Georgia anti-obscenity law forbidding films appealing to "prurient interest" ended in a mistrial as nine jurors in Atlanta refused to believe that *The Balcony*

showed a morbid interest in sex. Defense witnesses recruited from state universities and newspapers unanimously agreed that the movie had artistic merit and was not obscene.

The ACLU of Northern California represented an art gallery owner arrested by police, who confiscated most of a sculpture exhibition as obscene; the gallery owner was acquitted. A Los Angeles County obscenity ordinance, barring studios where models pose in the nude or semi-nude, was invalidated through a successful suit brought by the ACLU of Southern California. An appeals court judge ruled that the field had been pre-empted by state legislation.

RADIO AND TELEVISION

Diversity of Programming

Although the Union strongly opposes any effort by the Federal Communications Commission to dictate the content of individual programs, the ACLU backed a controversial proposal by the FCC that would allow the agency to better evaluate a station's overall public service programming. The improvement was sought by amending the FCC's program service form. The government agency tried to amend the form in 1961 and though it had strong ACLU support the broadcasting industry succeeded in defeating the proposal by raising the cry of censorship. Again, the industry raised the same issue, and again the ACLU disagreed. "Far from being censorship in violation of the free speech clause of the First Amendment," said the Union, "such implementation of the communications law by the Commission would constitute a much-needed antidote to the tremendous commercial pressures within the industry which too often result in the elimination of controversial and stimulating material—pressures which might indeed be called censorship in reverse. . . . These rules will be a great aid in assuring that the monopoly of the airwaves is used to give the public the widest possible range of information, entertainment and service." Supporting the FCC's attempt to discover whether television stations are fulfilling a legal obligation to provide adequate public service programming, at prime viewing times, the Union made several recommendations for amending the complex Section IV questionnaire. The suggestions included further clarification of some program categories, such as distinguishing between public affairs and political programs; including a section for unorganized and dissident views in the space reporting on religious programming; and greater emphasis on seeking out minority group opinion in consideration of community interests.

The Union urged the FCC to seek the widest possible public discussion of a Commission proposal for allocating Ultra High Frequency television channels. The complex FCC plan, said the ACLU, raises a number of vital policy questions which could affect diversity of television programming for years to come. The ACLU has long supported a gradual

changeover of the entire television spectrum to an all-UHF, 70-channel system in the hope that more stations would be created and thus, greater diversity of information would result. The FCC plan was prepared after Congress passed a law making it mandatory for set manufacturers to build sets equipped to receive both UHF and the ordinary VHF stations. The Union urged the FCC to consider the five basic questions: (1) The Commission's plan for allocating UHF channels to cities of various sizes requires further exploration. At issue is the best method of achieving diversity: a larger network of local stations based on geographical considerations, or a larger network based on commercial standards of population (which could more economically support additional stations). (2) The need for full investigation of the role to be played by educational broadcasting in schools, homes and in general public affairs and cultural programming. (3) How will the nearly six-fold increase in the number of television stations speed the creation of more competitive nationwide networks? (4) How will the plan affect the future of pay-TV, or non-profit television stations that carry sponsored programs? (5) Has the Commission considered future technological advances that will widen program choice, such as satellites and translator transmitters? The Union confessed that after weeks of study it was still difficult to evaluate the FCC proposals in terms of probable effects and practical consequences. The ACLU added that since "other segments of the national community may be equally uncertain, additional explanation of the Commission's plan would be extremely desirable in a matter of so great importance in the future of American television development." Following the comments by the Union and others, the FCC announced that it was reconsidering its proposals.

The ACLU called on the U.S. Senate to defeat a bill passed in the House of Representatives which would bar the FCC from regulating television commercials. The ACLU emphasized that since the FCC was empowered under the 1934 communications law to regulate the broadcasting industry to assure operations in the public interest, "anything which might interfere with serving the public interest is potentially a civil liberties problem. Over-commercialization can constitute such a problem since it takes time away from other programming and diminishes diversity, which represents the First Amendment's principle of the fullest possible discussion of social issues." As for the fear expressed in the House debate that FCC regulation of TV commercials would invade the broadcaster's rights of free speech, the Union noted: "The FCC was not considering dictating the content of any commercial; it was merely proposing to limit the volume of advertising as the broadcasters themselves suggest in their industry code" which is in line with FCC efforts to insure balanced programming, fairness and diversity. The Senate did not consider the bill.

The U.S. Circuit Court of Appeals in Washington, D.C. refused to reverse the denial of a license renewal to station WDKD in Kingstree,

South Carolina. The ACLU filed a friend-of-the-court brief on behalf of the station, which ran afoul of the FCC over "misrepresentations" by its owner in statements concerning the allegedly offensive remarks of disk jockey Charlie Walker (*see last year's Annual Report, p. 21*). The Union argued that the FCC's denial of a license prompted by Walker's language, was a violation of free speech rights under the First Amendment. The appeals court refused to reverse the denial of the license, it said, because it was reasonably sure that the FCC "realizes the vital importance of preserving both free speech and an atmosphere of freedom in the communications media." The court also said that the FCC's case against the station's owner for "lack of candor" was so strong that the Commission could properly revoke the license on that ground alone. The U.S. Supreme Court declined to review the decision.

Loyalty and Security

After long years of delay the FCC granted final licenses to the three Pacifica Foundation FM radio stations in New York City, Los Angeles and San Francisco, which had faced charges of Communist affiliation and offensive programming. The FCC decision concluded that there was no evidence warranting further investigation into the question of Communist Party affiliation of the stations' staff. The agency also noted that five "offensive" programs on which the investigation focused attention were broadcast over so long a period of time that no "substantial pattern of operation inconsistent with the public interest standard clearly and patently emerges."

The ACLU had been concerned with both the prolonged investigation and separate investigation by the Senate Internal Security Subcommittee (*see last year's Annual Report, p. 22*); thus, final approval by the FCC was praised by the Union as a "significant and welcome contribution to the advance of freedom of speech in radio-TV." The decision served notice that the Commission "will champion controversial discussion on the air as an essential element of the public interest which stations must serve," the Union said. The FCC decision seemed to justify the hope. "Such provocative programming as here involved may offend some listeners," said the FCC. "But this does not mean that those offended have the right, through the Commission's licensing power, to rule such programming off the airwaves. Were this the case, only the wholly inoffensive, the bland, could gain access to the radio microphone or TV camera." The FCC stressed that it did not seek to pass on the merits or failures of individual programs. Rather, the agency's interest was the question of whether the licensee's overall programming served the public interest.

Despite its praise for the outcome of the Pacifica case, the Union disapproved certain aspects of the FCC investigation. The long delay in reaching a decision had an "intimidating effect," the ACLU said, since

it created the impression that the stations' controversial programming was the reason for inaction. The Union also strongly condemned the FCC's demand, made in the course of the investigation, for Communist Party disclaimers from the stations' operating and governing personnel as "an affront to First Amendment guarantees . . . and outside the purview of government." Moreover, by failing to demonstrate "a reasonable relationship between the protective steps taken and the danger apprehended," the Commission set a dangerous precedent for future investigations. The ACLU added that though "we may assume, for argument's sake, that a transmitter operator could violate radio silence during an enemy attack, we cannot assume, unless we enter the world of paranoia, that directors or managers of a radio station, having hitherto committed no crime, will carry out a massive plot to broadcast military secrets."

In letters to the three major radio-TV networks the ACLU said that the automatic exclusion of Communist Party spokesmen from the air infringes the free speech guarantees of the First Amendment and violates the networks' legal obligation to serve the public. The letter to the presidents of ABC, CBS and NBC noted that the ACLU specifically rejects the notion that the Communist Party or its speakers are entitled to special treatment. However, it declared, "the Communist Party reflects a point of view that Americans consider important in their concern about the world political scene and the time it receives should be commensurate with its size and importance. Accordingly, whether or not a network honors a request for air time . . . should depend on its fair discretion" and certainly not any automatic exclusion based on the mistaken notions of CBS and ABC that a Communist speaker is not entitled as a matter of policy to free speech protections of the Constitution, or that the party is not a political group entitled to run candidates for public office. The Union said that a "refusal to allow access to radio and television under *any* circumstances violates a fundamental obligation. . . . The airwaves are public property and permission to use such property exists only as long as the public interest, necessity and convenience are served." Even if the networks were not legally required to give time to proponents of unpopular causes, said the ACLU, "the fundamental fact that we live in and seek to strengthen a free and open society" makes it imperative that they do so as a matter of policy.

Though the frequency of blacklisting in broadcasting is not what it used to be, the issue remains a concern of the ACLU. When the American Broadcasting Company denied employment to folksinger Pete Seeger because he refused to sign a loyalty oath, the Union promptly called the move "arbitrary censorship of the citizen's right to see and hear," not to mention an invasion of Seeger's freedom of association. Political qualifications for employment can be justified only by showing that the job is directly related to national security, the ACLU said, adding: "It is inconceivable that a performer could threaten national security by

earning his living in full hearing and view of the public on radio and television."

Editorializing

Congressional testimony by the ACLU opposed a House bill that would threaten editorializing by radio-TV stations by improperly applying the "equal time" principle. In fact, said the Union, the proposed law would restrain comment on public issues, and challenge a proper function of the FCC in encouraging editorializing. The ACLU strongly supports editorializing on the air as an extension of the free speech clause of the First Amendment that creates diversity of opinion and better-informed public discussion. The House bill would, in effect, gag a broadcaster by requiring the station to give air time, and a copy of the transcript, to a political candidate that the station opposes. This would force the station, under Section 315 of the communications law, to give equal time to all candidates. "Obviously," commented the ACLU, "rather than subject himself to the pressures and difficulties inherent in such a situation, the broadcaster would find it expedient simply to withhold editorial comment during campaigns—no matter how necessary such comment may be to public understanding."

The ACLU in recent years has supported the concept of "equitable" rather than mathematically "equal" time. The latter issue usually provokes sharp debate in a political year and during the 1964 presidential campaign "equal time" received the most critical scrutiny yet. Every indication was that the debate would continue on how to strengthen political freedom of speech on radio and television. The Senate narrowly defeated an attempt to suspend the equal time rule for 60 days prior to the presidential election, thus ruling out a repetition of the "great debates" of 1960 between Richard M. Nixon and John F. Kennedy. The FCC ruled that President Johnson's news conferences fell within the equal time formula. In another hotly contested decision the agency held that the President's televised address during the week in which Khrushchev was deposed, the Red Chinese exploded their atomic bomb, and the British Laborites won a national election was an exercise of the presidential office, rather than a political campaign speech. The U.S. Circuit Court of Appeals in the District of Columbia and the U.S. Supreme Court upheld the latter FCC ruling, but the dissenters reflected the strong feeling that the roles of President and candidate could not be easily divorced. The ACLU plans to make a basic re-examination of the entire problem prompted by varying interpretations of Section 315.

NEWSPAPERS

The Courts

A landmark decision by the U.S. Supreme Court overturned a \$500,000 libel judgement against the *New York Times* by the Alabama Supreme

Court. The suit was brought by L.S. Sullivan, a Montgomery, Ala. Commissioner, who charged he was libeled in a full-page advertisement which appeared in the *Times* of March 29, 1960 appealing for funds for Dr. Martin Luther King's anti-segregation activities. The advertisement also criticized the harassment of Negro college students by Alabama state and local officials. Ruling unanimously, the high court held that a public official would have to prove deliberate malice in statements made about him in order to recover damages for criticism of his official performance. In concurring opinions, three Justices went further; they felt the court should have established an absolute privilege for criticism of public officials, even made maliciously. The ACLU and its New York affiliate filed a friend-of-the-court brief emphasizing the right to criticize public officials' conduct.

Attorneys for the *Times*, supported by friend-of-the-court briefs submitted by other newspapers, said that the purpose of the suit was to discourage coverage of racial news. The Court's opinion was more extensive, declaring that freedom to comment on official conduct, protected by First Amendment rights of free speech and free press, would be endangered by unlimited libel awards. Speaking for the Court, Justice William J. Brennan wrote: "Whether or not a newspaper can survive a succession of such judgements, the pall of fear and timidity imposed upon those who would give voice to public criticism is an atmosphere in which the First Amendment freedoms can not survive." The effect of the Alabama court's libel award, he said, was as repressive as a criminal statute such as the Sedition Act of 1798, which punished "false, scandalous and malicious" statements about federal officials and which history has judged unconstitutional. Neither "factual error nor defamatory content suffices to remove the constitutional shield from criticism of official conduct," Justice Brennan wrote. As for certain errors in the advertisement—such as the number of times Dr. King was arrested—these constituted negligence rather than recklessness required for a finding of actual malice.

The high court decision covered editorial as well as advertising content of a newspaper or any other medium of communication. Nor did it stop at that. The opinion barred libel or slander suits against anyone for comment on official conduct as long as the comment is not malicious. The decision even protects false statements against public officials, stating that it would place too great a burden on free speech to require every person sued for libel to prove the truth of every statement. The ACLU brief contended that Alabama had failed to distinguish between criticism of public officials and private citizens and had "assessed huge damages without any showing of actual loss." It also attacked "the Alabama concept of libel" as an "extraordinary restraint imposed on discussion of public issues"—a position which the high court expanded into a historic statement on the freedom of speech and the press.

The U.S. Supreme Court decision in the Alabama case was cited by

the ACLU in a brief filed with the Kentucky Court of Appeals in the case of a former Oberlin College student charged with criminal libel. The student, Steve Ashton, went to Hazard, Kentucky to aid striking coal miners there. He mimeographed a letter to friends in which he reported the activities of various police officials and citizens of the community. It was seized by police before distribution and Ashton was arrested and convicted of criminal libel. The ACLU backed his appeal, citing the U.S. Supreme Court opinion that public officials are not immune to criticism levelled without malice. In addition, the Union charged that the offense of criminal libel, as defined in the case, was so vague and inconclusive that Ashton was convicted without due process of law as well as in violation of the freedom of the press. The Kentucky high court has not yet acted on the case.

Other Issues

Freedom of the press "is at its lowest ebb today in the history of our federal government," the professional journalism fraternity, Sigma Delta Chi, declared in its 1963 annual report. Though some restraints were removed at the local level, the group charged that more news "management" by the federal government impeded reporting of national and international affairs. "The American people are being deluged with more governmental propaganda than at any time in the history of our country." The journalism fraternity accused the Defense Department of maintaining "an oligarchy of control" over news while other departments shroud their operations in a "blanket of secrecy" for even less justifiable reason. One potential hole in the blanket of secrecy was pierced by the U.S. Senate, which passed and sent to the House legislation making it easier for newsmen to challenge government agencies refusing to give out information. The bill, backed in general by the ACLU, would permit suits in federal courts to challenge federal agencies withholding information and place the burden of proof for the need of such action on the agency. The legislation died in the House.

Photographers covering military air crashes and other catastrophes concerning the armed forces have often been restrained from taking pictures of the wreckage by zealous officers. The Defense Department directed its officials not bar photographers from the scene "if no classified defense information or material is exposed to view."

ACADEMIC FREEDOM

Loyalty and Security

As a result of a nine-year legal battle spearheaded by University of Washington professors and the ACLU of Washington state, the U.S. Supreme Court struck down two state loyalty oaths for teachers and public employes as "unconstitutionally vague." The ACLU hailed the

7-2 decision as a "far-reaching and significant action" that may have a strong impact on questions of academic freedom at other campuses. At least six states—California, Colorado, Indiana, Michigan, New York and Vermont—have similar loyalty oath requirements for state university faculty. The high court opinion also had implications for the constitutionality of various federal security laws, which the ACLU has opposed as fatally vague.

The U.S. Supreme Court ruled that a 1931 Washington law making teachers swear to promote respect for government institutions, and a 1955 state law making all teachers swear that they are not "subversive persons" were both so vague and indefinite that they gave "no fair guide" to signers as to what they were swearing and thus violated due process of law. The majority opinion said that under the 1955 law "The teacher who refused to salute the flag or advocated refusal because of religious beliefs might well be accused of breaking his promise. The oath may prevent a professor from criticizing the Supreme Court. . . . Or it might be deemed to proscribe advocating the abolition, for example, of the Civil Rights Commission, the House Committee on Un-American Activities or foreign aid." The earlier law, requiring teachers to "promote respect for the flag and the institutions of the United States, reverence for law and order, and undivided allegiance to the Government," was judged unconstitutional on the same grounds of vagueness. The suit was brought by 64 University of Washington employees, ranging from professors to typists, who were supported by the ACLU through its state affiliate during most of their nine-year battle against the oaths (*see last year's Annual Report, p. 26*) as it progressed through the state and federal courts.

The ACLU warned that extremist groups are exerting mounting pressure harmful to academic freedom on the nation's schools and libraries. The warning was sounded in a pamphlet, *Combating Undemocratic Pressures on Schools and Libraries*, issued as a guide by the ACLU to local communities. To combat such pressures, the ACLU suggested the creation of citizens' committees, public hearings, full coverage by mass media, and seeking the help of educational organizations, school and college officials, and state boards of education.

"The widest possible range of instruction and reading is the birth-right of all Americans," the pamphlet said, "and all have a stake in preserving and extending the opportunities for the development of the inquiring mind. It must be clearly understood that the educational system needs constant criticism and evaluation. . . . At the same time educators have a primary responsibility; and their professional obligation to carry on their work free from dictation or undue meddling from outside, must be respected." The Union said that no civil liberties issues are raised by even ill-informed or illogical criticisms of the schools, nor by the formation of national groups to criticize education. "The competition of different points of view is desirable and uniformity,

whether imposed by educators from within or by the community from without, is unhealthy and invites one-sided reaction. The case is different, however, when the basis of free discussion and the orderly consideration of educational and library policies are undermined or when methods which attempt to shut off free discussion are employed." Such tactics do raise questions of civil liberties and academic freedom, the Union said. "Such methods have always characterized Communist efforts to influence education, and today they particularly characterize the activities of patriotic and right-wing groups. The conception that only one point of view should prevail in the schools and that devious methods may be used to have this view prevail is similar. So is the attempt to control what books may be read in libraries. The use of subterfuge and deceit, artificially whipped-up emotions and irresponsible charges are the stock in trade of all types of extremist groups." Thus, said the Union, "rational examination becomes difficult."

The Union cited a growing number of investigations of teachers in state-supported colleges and universities, in some cases leading to firings for "controversial" viewpoints. It noted more and more right-wing attempts to screen and remove textbooks from schools and libraries. "In the period from 1958-62 textbooks came under fire in nearly a third of the legislatures," the Union reported. Behind-the-scenes pressures have been brought against publishers to make changes in order that a book may be used in a particular state. No less dubious, said the ACLU pamphlet, was the quality of instruction about Communism in the 27 states that offer such courses. Extremist pressure groups often try to dictate the content of such courses, and a survey by the National Education Association concluded that the poor programs far outnumber the good ones because most courses are either "too dull or too emotional."

The Illinois Division of the ACLU heartily approved the action of the University of Illinois, which defended the right of an ultra-conservative professor to attack President John F. Kennedy after he was assassinated. The trustees called the writings of professor Revilo Oliver, a member of the John Birch Society, "ungloriously wrong," "unreasoned and vitriolic." But the dean of the College of Liberal Arts said that Oliver "has the same right as every other American to express his political views outside the classroom" and the trustees agreed. Not so happy was the situation at the University of Minnesota, under investigation by a state legislative committee for the half-joking suggestions made in the student newspaper by Milford Q. Sibley, a political science professor who described himself as a Quaker pacifist and a Norman Thomas Socialist. Among Sibley's suggestions, made in order to point up the dangers of conformity, were campus groups advocating Communism, atheism, "Jeffersonian violence," anti-automation, "and perhaps a nudist club." With this as openers, a state legislative committee announced an investigation of complaints that ranged from the hiring of "leftist professors" to the campus literary magazine; the legislative in-

quiry subsequently was postponed. Opposing the investigation was the Minnesota Branch of the ACLU, the American Association of University Professors, the state Board of Regents, and the university student body. Though the Minnesota Branch defended the university against the threat to academic freedom posed by the investigation, the affiliate criticized school officials for banning a program sponsored by the Young Americans for Freedom. The conservative student group had scheduled a campus debate between a member of the John Birch Society and professor Sibley but the University thought the confrontation would be interpreted as a "deliberate flaunting" of the state committee.

A junior high school teacher for two years at the U.S. Naval Station at Adak, Alaska was barred from the base and his contract for a third year was cancelled. The ACLU asked the Navy to look into the case of Champe Ransom but was refused on the grounds that no allegations had been made against the teacher. Ransom's superior, however, referred to his pacifist leanings and to the fact that he had been denied conscientious objector status by his draft board.

The Indiana Civil Liberties Union strongly protested to the state superintendent of public instruction against the distribution in state schools of a pamphlet containing testimony by Dr. Fred Schwarz, head of the Christian Anti-Communism Crusade, before the House Un-American Activities Committee. The affiliate objected to the teaching of Schwarz's "one particular point of view" on Communism, and demanded that the Department of Public Instruction "not again be a party to the effort of any private group to determine what is to be taught in the schools of Indiana." The ICLU gave the school official this advice: "Either you provide equal assistance to every other private pressure group to disseminate its materials to student, or you must set yourself up as an official arbiter of which particular groups of citizens should be permitted in the school . . . In either case, academic freedom will be seriously weakened."

Other Faculty Issues

An aroused student body at Frostburg State College, supported by the Maryland Branch, won greater academic freedom at the school. Four young English teachers were reinstated after they were fired for lecturing on so-called offensive books, including *Lolita*, *Tropic of Cancer*, and *Lady Chatterly's Lover*. The ACLU affiliate earlier had obtained a court order requiring the college president to show cause why the teachers should be dismissed without a formal hearing. The Maryland CLU and the National Capital Area CLU also were involved in a controversy with the president of the University of Maryland over a Presbyterian chaplain who advised the parents of incoming freshmen over the evils of fraternity life. The university president censured the chaplain, which the ACLU affiliates said was a denial of his freedom of speech and action. The university finally stated that the chaplains "serve at the discretion of their authorized church bodies."

In other affiliate actions:

¶ The Delaware Chapter of the Greater Philadelphia Branch of the ACLU asked the University of Delaware to delete a chapter in its faculty handbook which asked that teachers "refrain from political activity, especially at the state level." This was an infringement on academic freedom as well as a display of poor judgment, the affiliate said, since the state's highest councils could use the "trained minds of our University faculty."

¶ The Dallas Civil Liberties Union came to the defense of a public school teacher who was bitterly attacked in the wave of civic self-justification that followed the shooting of President Kennedy. Mrs. Eleanor Cowan was suspended from her fourth grade classroom job after writing a letter to *Time* magazine deploring the widespread preaching of dissension in Dallas. She later was reinstated.

¶ The Arizona Civil Liberties Union investigated the case of a teacher in a small town near the New Mexico border who was fired because his wife was called "an agitator."

¶ The ACLU of Southern California filed a friend-of-the-court brief on behalf of a Pasadena teacher dismissed for an even more trivial reason: he refused to shave his beard; the teacher's appeal is still pending.

¶ The Central Texas affiliate of the ACLU protested the demotion of a Laredo school teacher after he unsuccessfully ran for Mayor. The issue was taken to the Texas Education Agency, which told the teacher to file a formal appeal. Because of the costs of an appeal, the teacher dropped the case.

Student Rights

A widely publicized attempt to stifle free expression at campus meetings at the University of Indiana was sharply rebuffed by a state Circuit Court. The court quashed an indictment against three students, all officers of the Young Socialist Alliance, which grew out of a meeting at which one student said that Negroes would use force, if necessary, to win their rights of equality. The trio were indicted under the 1951 Indiana Communism Act on charges that they plotted to overthrow the state and federal governments, which promptly touched off a storm of protests against the attempt to squelch free speech. The Circuit Court threw out the indictment and declared the state law unconstitutional, but state officials announced they would appeal the decision to the state Supreme Court. The Indiana Civil Liberties Union, which filed a friend-of-the-court brief in the lower court, argued that the law violated the Fourteenth Amendment by punishing assembly for the advocacy or teaching of doctrine of the overthrow of the government by force, even though no plan was advocated or taught. Advocacy, argued the brief, was a protected form of free speech under the First Amendment; only actually planned action for overthrow can be considered criminal.

The right of students to hear campus speakers of their own choice,

not subject to official veto, continued to be an issue at several schools. In New York it was settled by the highest court in the state, which ruled that an admitted Communist, Herbert Aptheker, could speak at state-supported Buffalo University. The ACLU had filed a friend-of-the-court brief in a previous appeal favoring Aptheker's right to appear, on the grounds that academic freedom had been violated and that the state law had been extended beyond legislative intent. Supporting the arguments raised by the ACLU, the Court of Appeals declared: "We believe that the tradition of our great society has been to allow our universities in the name of academic freedom to explore and expose their students to controversial issues without government interference." The Illinois Division of the ACLU deplored the banning of an appearance by Alabama Governor George Wallace before a Loyola University student group. While not questioning the legal right of the private university to make the decision, the affiliate said it was a violation of academic freedom nevertheless. The New Mexico Civil Liberties Union protested the denial of speaking rights to ultra-conservative Billy James Hargis, who was due to talk at the state university student union.

The Greater Philadelphia Branch of the ACLU came to the aid of a Haverford College student who was threatened with the loss of a scholarship grant from the Board of Education for criticising United States policies in South Viet Nam. After ACLU counsel argued the case, the scholarship was not revoked; however, because of the controversy the Board of Education adopted stringent regulations affecting future recipients. Student publications are often in a dispute with college authorities over free speech issues.

Issues Raised by the Integration Conflict

The ACLU urged colleges and universities to protect the constitutional rights of students taking part in demonstrations against racial segregation, the civil defense program, nuclear tests, and similar public issues. In a supplement to its basic pamphlet, *Academic Freedom of Students at Colleges and Universities*, the Union said that college officials should take "every practical step" to see to it that students arrested by police during their protests should get a fair trial, not be abused, receive bail and get a speedy trial, including right to counsel and an appeal if necessary. Otherwise, warned the ACLU, there is a real danger of "weakening of confidence in the university as a community and the resort by students to outside agencies—some of which may very well be self-serving—for support and defense. College authorities have as much responsibility for maintaining that community . . . as do teachers and students." As a case in point, the Upstate New York Division of the ACLU criticized the disciplinary probation of students at Syracuse University who were arrested while participating in a civil rights demonstration. Subsequently, the university rescinded its policy of automatic punishment in such cases. Emphasizing the rights of students as private citizens, the pamphlet

said that college authorities should take no action against a student for engaging in off-campus activities provided the student does not claim authorization to speak in the name of the school or a student organization.

The Florida Civil Liberties Union filed suit in a federal District Court seeking to compel reinstatement of two Florida A&M students suspended indefinitely after being convicted of contempt of court following a racial demonstration. The suit charged that the college president had reneged on his promise to back the students. No legal discussion was necessary because subsequently the school reinstated the students and the suit was dropped. The ACLU came to the defense of interracial Tougaloo College in Jackson, Miss., which upheld the right of its students to take part in civil rights protests—only to become the target of the state legislature. The lawmakers threatened to investigate the school and revoke its accreditation, prompting an appeal by the Union to Governor Paul B. Johnson, Jr. At the same time the ACLU offered to help the college with legal assistance if the legislative threat was carried out. The Union also commended the Southern Association of Colleges and Secondary Schools for promising to investigate the case and urged the Association "to make known its concern to Governor Johnson, state legislators, the academic community and the general public."

RELIGION

CHURCH AND STATE: EDUCATION

The Courts

Three states failed in efforts to dilute or defy the U.S. Supreme Court's 1963 decision banning prayers and Bible reading in the public schools. In other states, the attempt to circumvent the high court ruling prompted reminders by education officials and law enforcement authorities that local school boards must observe the law of the land.

Florida got short shrift from the U.S. Supreme Court. Reversing a state Supreme Court decision upholding the argument that required Bible readings were not religious teaching but "moral training," the high court simply voted 8-1 to reject the theory without hearing argument. It merely cited its original Pennsylvania and Maryland decisions of 1963, which held that religious observances in the schools constituted a forbidden "establishment of religion," against the principle of church-state separation, thus violating the First and Fourteenth Amendments. Communities in Massachusetts and New Jersey did not bother to substitute other procedures such as silent meditation or "literary" readings from the Bible; they simply defied the high court ruling by continuing religious observances until the Supreme Courts of both states struck down the practice. The ACLU of Massachusetts entered a friend-of-the-court brief against the North Brookfield School Committee. The MCLU pointed out that the U.S. Supreme Court ban should not be interpreted as government hostility to religion or religious teaching, but an attempt to keep

the schools free of the "divisive effects of religious sectarianism." The ACLU of New Jersey asked the state to withdraw financial aid from the Hawthorne school system until it complied with the U.S. Supreme Court ruling, an action which prompted the state Attorney General to obtain an injunction against the local school board. The board challenged the injunction in the New Jersey Supreme Court which supported the Attorney General. And in Pennsylvania the state ACLU filed suit in a federal District Court to stop what is called a "transparent ruse" by the Cornwall-Lebanon school board that consisted of 15-minute daily readings from the Bible to illustrate "its historical and literary qualities;" while the federal court held up the requested injunction until the school authorities submitted a proposed course of Bible study, a second suit was started after school children were asked to join in classroom "prayers for rain." Less transparent, but still "specious" according to the Maryland Branch, ACLU was a new law passed by the General Assembly which permitted silent meditation in the schools as a substitute for prayer. The state Attorney General said the law was constitutional but the ACLU affiliate called on Governor Tawes to veto the bill. He did not. The Attorney General of Connecticut also interpreted the U.S. Supreme Court decision to permit silent meditation, but the interpretation remains to be tested in the courts.

Meanwhile, in other states, the courts and educational officials continued to wrestle with the high court decision. A federal District Court struck down an old Delaware statute providing for Bible reading and prayer in all public schools as being in direct conflict with the U.S. Supreme Court ruling. In Kentucky, a state survey disclosed that while 61 school districts had changed their policies to conform with the Court's decision, 116 had not discontinued Bible readings and prayers. At the same time, the state Attorney General said that silent meditation was permissible by pupils, but not by teachers. A survey of public school officials by the Iowa Civil Liberties Union disclosed overwhelming acceptance of the high court ruling on prayers and Bible reading. And in Maine the State Curriculum Committee said that it was the responsibility of churches and parents to provide satisfactory Bible study programs, since the diversity of belief prevented a public school from carrying out one satisfactory to all faiths.

In Congress, where constitutional amendments were introduced to overturn, in effect, the Supreme Court decision, the ACLU testified before the House Judiciary Committee that proposals to permit prayers in the public schools represented a greater threat to religious liberty than the ruling by the Court.

The proposed constitutional amendments failed, largely because strenuous efforts by several religious organizations and by civil liberties groups alerted the public and members of the Congress to their effect on weakening the constitutional separation of church and state. Testifying for the ACLU, the Rev. Edward O. Miller, Rector of St. George's

Episcopal Church of New York City, warned that "the threat is not the secularization of our schools, but the secularization of our religion." The prominent Protestant clergyman said that contrary to the opinion of critics of the U.S. Supreme Court, "you cannot kill God by a Supreme Court decision." He said that community and church life in the country cannot be so weak that they need government aid to foster spiritual values. By far the better solution, he said, was previously suggested by President Kennedy: "Pray a good deal more at home." Rev. Miller traced the roots of constitutional protections guaranteeing the free practice of religion in America and pointed out that the history of citizens in theocratic states has not shown them to be more moral than citizens of secular states. In fact, he said, Judaism and Christianity have both survived hostility from the state, but "they have been weakest in just those societies where the state has undertaken to sponsor and promote religious activities in public institutions." Sharing the skepticisms of the ACLU, the legal department of the National Catholic Welfare Conference also took a skeptical view of the proposed amendments. It suggested that Roman Catholics be "very cautious" about supporting the proposals. The NCWC said that constitutional guarantees of religious freedom and church-state separation have proved to be "of incalculable benefit to religion." In another congressional issue, the ACLU informed lawmakers that the anti-poverty bill, as adopted by the Senate, was loosely worded and contained a wholly unnecessary ambiguity that weakened the independence of church and state. One section of the bill, the ACLU pointed out, could be read as implying approval of specific federal aid to parochial schools under the "community action program" authorized by the legislation.

Aid to Parochial Schools

The ACLU of Michigan brought suit against the state's Compulsory School Bus Act, which provides transportation to parochial school students. Six state Supreme Courts have ruled such aid unconstitutional and the Michigan affiliate seeks to prove that Michigan's law is unconstitutional also. "Furnishing transportation at public expense to church regulated schools constitutes a direct benefit to such schools and violates basic guarantees of religious liberty," the MCLU declared.

The issue of "shared time," under which parochial and private school students attend public schools on a part-time basis, has for some time been the subject of concentrated study by the ACLU. During 1964 affiliates in Washington state and Illinois found it necessary to take public positions on local proposals, even while overall evaluation of the civil liberties implications of "shared time" continued.

Rendering an opinion to the state Attorney General on a proposal under consideration in Pasco, Washington, the ACLU affiliate said that although the plan may benefit religious schools by allowing them to save money, it is the same benefit as that afforded by the free exercise

of religion guarantee of the First Amendment and by society's obligation to maintain law and order. So long as the child's parents pay taxes without exemption, the affiliate found the state to be neither partial to nor hostile to religion in adopting the plan. The affiliate noted that the ACLU had argued successfully in the past that all parents had a right under the First Amendment to send their children to private religious schools of their choice and that the U. S. Supreme Court had supported the rights of children to attend public schools without discrimination. At the same time, the affiliate's brief filed with the Attorney General pointed to the area of problems which could arise in a specific "shared time" program and warned of possible violations of the principle of separation of church and state.

Meanwhile, the Union's Illinois Division vigorously and effectively urged the Chicago Board of Education to delay implementing an extremely sketchy proposal that called for a five-year experimental "shared time" program between the city's new Kinzie High School and a new parochial school nearby, to begin in September 1964. When two official legal opinions were then obtained by the board approving the proposal, the affiliate analyzed them in a detailed public statement which illuminated conspicuous defects in the legal citations and reasoning of the opinions. Thereafter, the board, by a 7-3 vote, approved a resolution authorizing a four-year experiment, to begin in September 1965. In addition, the board added several safeguards omitted from the original proposal.

As the Chicago plan continues to be scrutinized by the affiliate, a wide variety of "shared time" plans and programs in other areas are similarly being watched by other ACLU affiliates. Their observations will help inform the national board which, on advice from its church-state committee and all affiliates, is expected in 1965 to issue a statement of general principles to guide Union policy on "shared time." The constitutional issues raised by such programs have yet to be tested conclusively, though "shared time" proposals are receiving increasing attention from educators, religious leaders, and parents.

The ACLU of Oregon lobbied actively and successfully to defeat a proposal in the state legislature for the rental of publicly owned textbooks to church schools. The ACLU of Washington state protested the rental of school facilities to religious groups in Kennewick, especially after the school board denied the request of Jehovah's Witnesses to rent the same facilities. The Greater Philadelphia Branch welcomed the discontinuation of holding public school classes in two churches.

Religious Observance and Other Issues

The ACLU was the victim of a widespread distortion over its position on the proper function of chaplains in the armed forces. As a result, Congress was flooded with mail, angry editorials appeared in the religious

press, and the general public was badly confused—all because the chairman of the South Jersey chapter of the ACLU of New Jersey wrote to the Secretary of Defense protesting the use of chaplains for conducting religious classes in public school buildings for military dependents. The practice was in clear violation of the constitutional barrier between church and state, yet the Military Chaplains Association misinterpreted the affiliate's protest and passed a resolution at its convention which said that the affiliate reportedly took the position that "chaplains are in violation of the Constitution of the United States." At the same time, the chaplain's association linked the South Jersey chapter's protest with the intervention by the ACLU of Southern California on behalf of a public school teacher who refused to lead the flag salute as a matter of personal conscience. In a strong letter to the head of the chaplain's association, ACLU executive director John de J. Pemberton, Jr. protested the gross distortion of ACLU policy and misrepresentation of its affiliates' actions.

The South Jersey chapter, the letter said, did not even contemplate legal action "although much mail to Congress has erroneously stated that litigation was begun." As for the Los Angeles incident, the ACLU again pointed to a misrepresentation of the facts. The Southern California affiliate successfully defended the right of a school teacher who refused to salute the flag as a matter of personal conscience because the pledge included the reference to this nation "under God." The purpose of the suit "was not to eliminate this phrase from the flag salute but to prevent the dismissal of the school teacher," the Union said. Yet months after school officials recognized the teacher's rights to religious freedom by reinstating the teachers, the position of the ACLU was being grossly distorted. The Union "has never attacked the concept of the chaplaincy program . . . Our only concern is civil liberties and the constitutional commandment of the First Amendment" protecting the free exercise of religion and barring efforts to establish religion, the letter said. In pursuit of this concern, the ACLU said that it agreed wholeheartedly with the distinction made last year by the U.S. Supreme Court between military chaplaincy issues and public school religious practices. It cited the high court's statement in the Bible reading cases, that "Where the Government regulates the temporal and geographic environment of individuals to a point that, unless it permits voluntary religious services to be conducted with the use of Government facilities, military personnel would be unable to engage in the practice of the faiths."

Because of the public attention given the erroneous report about the Union's chaplaincy position, the ACLU sent a memorandum to members of Congress relating its stand. It also pointed out that compulsory attendance at religious services held at Army, Navy and Air Force academies violates the First Amendment clauses prohibiting the establishment of religion and guaranteeing the free exercise of religious observance.

On the state and local level:

¶ The Minnesota Civil Liberties Union opposed the distribution of Gideon Bibles in the schools.

¶ The ACLU of Southern California sought an injunction against the saying of Grace in the Long Beach school district.

¶ The Arizona CLU mobilized to oppose a petition, which failed to get enough signatures, that would have opposed the teaching of evolution in the schools. A similar drive was launched in Texas, aimed at textbooks which discuss evolution, but this effort was thwarted.

CHURCH AND STATE: THE GENERAL PUBLIC Problems of Conscience

The U.S. Supreme Court agreed to review the question of whether a man must express belief in a Supreme Being to qualify for draft exemption as a conscientious objector. Under the Selective Service Act Congress excuses as CO's persons who by reason of religious training or belief are opposed to war. The law defines religious training or belief as meaning "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code." The ACLU, in earlier testimony before the Senate Armed Service Committee (*see last year's Annual Report, p. 34*), argued that the Supreme Being clause was unconstitutional and stressed that CO's have a deeply felt philosophical conviction against personal participation in war which is just as strong as those whose beliefs spring from a more formal religious conviction. The Union's position was reflected by a U.S. Circuit Court of Appeals decision which reversed the conviction of Daniel Andrew Seeger, who was brought up as a Roman Catholic but now attends the Friend's religious services. Seeger was one of three CO's who refused to swear belief in a Supreme Being whose cases were accepted for review by the high court after the precedent-setting decision of the Court of Appeals. The opinion held that in enacting the Supreme Being clause Congress "transgressed the limits imposed by the Constitution" by "... asserting the propriety of a distinction between beliefs which are solely the result of individual reflection and those which the believer assumes to be the product of divine commands." But the requirement of belief in a Supreme Being, "no matter how broadly defined, cannot embrace all those faiths which can validly claim to be called 'religious'. . . . For man in today's 'skeptical generation,' just as for Daniel Seeger, the stern and moral voice of conscience occupies that hallowed place in the hearts and minds of men which was traditionally reserved for the commandments of God." The opinion, written by Judge Irving R. Kaufman, also cited the U.S. Supreme Court's decision in the 1961 *Torcaso* case, in which the Court held unconstitutional a Maryland constitutional provision requiring a belief in God as a condition for public office.

Defending the right of CO's to vote after they served federal prison terms for refusing to register under the draft act, the ACLU of Southern California appealed the cases of two conscientious objectors; a decision is still pending in a state appellate court. The affiliate said that their denial of voting rights was cruel and unusual punishment in violation of the Fourteenth Amendment, since they had already served their prison term. The Minnesota Supreme Court upheld arguments raised in a friend-of-the-court brief filed by the Minnesota Branch on behalf of a woman who refused to serve on a jury out of obedience to the biblical injunction, "Judge not that you be not judged." The court said forced jury service would violate the right of free religious exercise. The Internal Revenue Service reversed itself and restored the tax exempt status of the Fellowship of Reconciliation, a pacifist organization that held that status from 1926 until 1963, when the IRS claimed that the Fellowship was political and not a religious group. The ACLU, among many other groups and clergymen of the major faiths, had sharply protested the revocation.

Other Issues

The U.S. Supreme Court reversed a federal District Court and ruled that it must look into the substance of a complaint made by a member of the Black Muslims in Illinois who charged that he was denied the right to practice his religion while a prisoner in the Stateville jail. The Illinois Division of the ACLU is backing the prisoner, Thomas Cooper, who said he was denied access to the Koran and permission to speak with Black Muslim spiritual leaders during his confinement for a 200-year sentence for murder. The ACLU offered legal assistance to twelve Black Muslims who were fired for security reasons from federal government jobs because they said they would support Islam in the event of war between Islam and the U.S. The Union said the firings penalized political belief in the absence of any overt act against the United States. "We might very well decimate our federal civil service in the South if white government employes were asked whom they would defend in the event their state again attempted to secede from the U.S. in the future," the Union noted. In another civil liberties case growing out of the Black Muslim movement, the National Capital Area CLU protested the barring of Malcolm X, who has since been exiled from the organization, from holding services in a District reformatory.

The ACLU renewed its opposition to a 1960 proposal for the construction of a 175-ft. statue of Christ atop a mountain in the Black Hills National Forest of South Dakota. Proponents of the plan have offered to trade privately owned land for the federal land, but the Union declared that since the deal did not involve a fair exchange it would still constitute direct aid to religion in violation of the First Amendment.

In two actions by the ACLU of Southern California, the affiliate backed a member of the Russian Molokan Christian Holy Spiritual sect who said that his religious beliefs prevent him from having his picture taken for

a driver's license. A lower state court upheld the ACLU position but the State Motor Vehicle Agency may appeal. The affiliate also filed a friend-of-the-court brief on behalf of a minority sect of Navajo Indians who use peyote in their religious ceremonies. The California Supreme Court agreed to hear a new appeal in the case, and then ruled that the use of peyote by the Indians was protected by the First Amendment's freedom of religion clause.

GENERAL FREEDOM OF SPEECH AND ASSOCIATION RIGHT OF MOVEMENT

Significant court decisions, several resulting from tests supported by the ACLU, expanded the rights of American citizens to hold passports and travel freely abroad. Ever since the McCarthy era the State Department has sought to deny passports for two major causes: 1) affiliation with groups subject to federal statutes and penalties and 2) refusal by many persons to sign loyalty oaths as part of their passport application form, often for religious or philosophical, as well as political, reasons. Now, both grounds for refusal have been barred.

The U.S. Supreme Court declared unconstitutional a section of the 1950 Subversive Activities Control Act which forbade Communist Party members from applying for passports, use old ones, or seek renewal of expired ones. The Court held that the Act was "much too broad" in scope and said that in making it a crime for Americans who are Communist Party members to travel abroad the law violated the liberties guaranteed by the Fifth Amendment's due process clause. The Court thus upheld the rights of Elizabeth Gurley Flynn, chairman of the U.S. Communist Party, and Herbert Aptheker, editor of its theoretical publication. Miss Flynn has since died. The majority opinion criticized the aspect of the law which "renders irrelevant the member's degree of activity in the organization (Communist Party), and his commitment to its purpose;" it further noted the irrelevancy under the law of the purpose of foreign travel. "Under the law," said the majority opinion, "it is a crime to travel abroad to visit a sick relative, to receive medical treatment or for any other wholly innocent purpose."

The Court ordered lower courts to reconsider in the light of the Flynn-Aptheker decision the cases of two other applicants who had refused to sign loyalty oaths either affirming or denying Communist Party membership. The two are Vincent Copeland, New York editor of *Workers' World*, a Trotskyite publication, and Milton S. Mayer, a free-lance writer from Carmel, Calif., who is a Quaker. The ACLU endorsed Mayer's challenge; the Union also filed a friend-of-the-court brief before the U.S. Supreme Court in the Flynn-Aptheker case, charging that the passport ban is an unwarranted and unconstitutional restriction of American citizens' freedom of travel and association, protected by the due process

clause of the Fourteenth Amendment. Following the decision, the State Department's passport division disclosed that because of the cost involved, passport forms cannot be changed immediately to conform with the ruling. No one, however, was being denied a passport because of his refusal to comply with the statement on Communist Party membership, officials said.

Two other key passport cases are still pending, and though none involve a clear-cut issue of loyalty oaths or Communist Party membership, both are part of the controversy over the State Department's ban against travel to Cuba. One application is by William Worthy, a newspaperman who originally lost his passport for taking an unauthorized trip to Communist China in 1957 and who had to fight up to a U.S. Circuit Court of Appeals to avoid being jailed for illegal entry into the U.S. following three more unauthorized trips—these to Cuba. Worthy tried to present his birth certificate as proof of citizenship on his return from Cuba in 1961 but he was indicted and convicted under a section of the 1950 immigration law for entering the country without a passport. After a court battle in which the Union submitted a friend-of-the-court brief in Worthy's behalf, the U.S. Circuit Court of Appeals ruled that the government "cannot say to a citizen, standing beyond the borders, that his re-entry into the land of his allegiance is a criminal offense." Worthy reapplied for a passport after this decision but the case is not yet over.

The second pending case is the reverse of Worthy's. Mrs. Helen Travis, a Los Angeles housewife, defied the travel ban on Cuba and went there twice to "see for herself" conditions on the island. She was sentenced to six months in jail (suspended) and fined \$1,000 by a federal District Court for leaving the United States without a passport valid for Cuba. Attorneys for the ACLU of Southern California are taking her case to the U.S. Circuit Court of Appeals, challenging the constitutionality of the State Department ban on unauthorized travel to some—not all—of the countries with which the U.S. does not maintain diplomatic relations.

The ACLU made a sharp protest to the State Department over the refusal of an entry visa to Mme Ngo Dinh Nhu, a vehement critic of American policies in South Viet Nam. Mme Nhu was scheduled to address a political rally but she was barred on the basis of a section in the immigration law that prohibits the entry of aliens who the government believes would engage in activities "prejudicial to the public interest." The Union condemned the ban as an interference with the right of the American people to hear controversial speakers and form political judgments after hearing information from as many sources as possible.

RIGHT TO FRANCHISE

An historic ruling by the U.S. Supreme Court held that the legislative districts for both houses or state legislatures must be "substantially"

equal in population. The decision promises to change the political character of state houses across the nation, despite attempts in the U.S. Congress to delay the high court's demand for reapportionment on the basis of population for two to four years, or to bar federal courts' jurisdiction over this issue entirely.

The attempt was in the form of a rider to the pending foreign aid bill; if approved, it would have been a critical legislative attack on the independence of the judiciary and, in the opinion of the ACLU, "a dangerous precedent destructive of our constitutional system." The move in the Senate aroused the legal profession and civil liberties groups to a vigorous counter-effort. After weeks of debate, the Senate finally broke a deadlock and narrowly approved a "sense of Congress" resolution which asked federal District Courts to allow a state a maximum of six months to comply with the U.S. Supreme Court's decision. When Senate and House conferees ended negotiations on the final form of the foreign aid bill, the rider on reapportionment was dropped, a somewhat anticlimactic ending to a long and angrily argued issue. In the midst of the debate, the ACLU declared that its opposition was based on the "highly ill-advised" procedure of nullifying a court decision through legislation. The proper course of action, said the Union, would be for opponents of the ruling to sponsor a constitutional amendment, which would stand or fall after "a deliberate decision of the people on a basic question." Otherwise, said the Union, urging President Johnson to veto the then-pending legislation if it passed, "the entire fabric of mutual respect and balance among the three branches of our government would be shaken."

The groundwork for the landmark ruling was laid in 1962 when the Court in *Baker v. Carr* held for the first time that the Court could review malapportionment cases, which previously were regarded as purely political issues and beyond the Court's jurisdiction. The next step came in February, 1964 when the tribunal held in a Georgia case that as far as Congressional districts were concerned, the federal constitution demanded that the districts be equally populous "as nearly as practical." Then, in June, the high court handed down a decision involving cases from Alabama, New York, Colorado, Maryland, Virginia and Delaware. By a 6-3 majority it ruled that state legislatures must reapportion themselves in districts "as nearly of equal population as is practicable." The ACLU, along with the American Jewish Congress and the NAACP Legal Defense and Educational Fund, had filed a friend-of-the-court brief in the case (*see last year's Annual Report, p. 38*). The high court's "one-man, one-vote" majority opinion rested on the equal protection of the laws clause of the Fourteenth Amendment. "Legislators represent people," the opinion by Chief Justice Earl Warren said, "not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. The resulting discrimination against those living in disfavored areas is easily demonstrable mathematically. Two, five or ten of them must vote before the effect of their voting is equivalent to that

of their more favored neighbor."

The language and the reasoning of the opinion echoed a major policy announcement by the ACLU Board of Directors more than three years ago. Urging an end to discriminatory representation against the city dweller by rural-dominated state legislatures, the ACLU declared then: "The equal protection clause of the Fourteenth Amendment is infringed by the dilution, as well as the denial, of the right to vote and malapportionment by the states raises a civil liberties issue. . . . Because the equal protection clause would appear to require that there be no classification between voters, the establishment of state electoral districts should be based only upon population." Said the U.S. Supreme Court: "To the extent that a citizen's right to vote is debased, he is that much less a citizen. The weight of a citizen's vote cannot be made to depend on where he lives."

The Kentucky Civil Liberties Union pressed a successful appeal to the state Court of Appeals in reversing a lower court decision limiting the right of state residents to cast absentee ballots. A 1962 law limits this right to government employees, the merchant marine, full time students, and members of the armed forces and their families. Families and members of religious groups and welfare agencies attached to the armed forces are also allowed to cast absentee ballots. Not, however, Dr. Emmet V. Mittlebeer, a Kentucky taxpayer who teaches in Washington, D.C. The denial of his right to vote was a clear violation of the equal protection clause of the Fourteenth Amendment, said the KCLU. Following the Kentucky Court of Appeals decision, the state legislature enacted law allowing all eligible voters to vote.

Attorneys cooperating with the ACLU have pressed for strengthening of the newly-ratified 24th Amendment abolishing the poll tax. The Amendment at present applies only to federal elections. The ACLU lost a suit in the Eastern Virginia federal District Court asking that the state election boards be restrained from collecting poll taxes as requisites for voting in state and other non-federal contests. In Mississippi, a federal District Court judge temporarily set aside a little-known state law requiring registered voters to present a certificate showing that they have *not* paid a poll tax before they can cast their ballot. The judge said enforcement of the law would have "seriously impaired the impact" of the 24th Amendment.

RIGHT OF ASSEMBLY IN PUBLIC FACILITIES

Public Meetings

In its first public stand, the newly-formed ACLU of Georgia helped gain permission for the Ku Klux Klan to hold a meeting in Hurt Park, Atlanta. The GCLU also backed the Klan's right to hold the meeting without having to disclose its membership lists or prove non-affiliation with any organization on the U.S. Attorney General's list of subversive

groups. The Mayor of Atlanta had refused the Klan's request to use the park until it had fulfilled these conditions, but the ACLU affiliate, in sharp criticism of the city official, rejected these conditions as contrary to rulings by the U.S. Supreme Court. "The use of public parks," said the GCLU, "for purposes of peaceful assembly by dissident groups of citizens is in the greatest tradition of our country" and rooted in the freedoms guaranteed by the First Amendment. In a similar vein, the National Capital Area CLU successfully opposed a move to bar the use of public meeting facilities to an organization which bars Negroes. The affiliate said that meeting rooms open to any groups should be open to all, regardless of their internal policies. The Florida CLU came to the defense of members of the Committee for Non-Violent Action, who were prohibited from demonstrating or distributing leaflets within the city limits of Key West. Earlier, the ACLU and its Georgia affiliate aided the peacewalkers as they tried to march through Georgia on their way from Quebec to Guantanamo in Cuba. The group was arrested in four Georgia cities. In Albany they were convicted of parading without a permit, disorderly conduct and refusing to obey the lawful order of a policeman. The Union protested that the arrests were a clear infringement on constitutional guarantees of free expression. Despite objections by the Greater Philadelphia Branch of the ACLU, commissioners of Fairmount Park adopted an ordinance barring the meeting of more than ten persons without a permit.

The Colorado Branch of the ACLU appealed the conviction of Rev. Russell Williams, arrested for speaking on a street-corner soapbox on the grounds that he obstructed the sidewalk. The ACLU of Northern California successfully defended a streetcorner preacher arrested by police; the District Attorney in San Francisco moved to dismiss the charges on the eve of trial since the evidence was insufficient to show a public offense. A Baltimore judge held that the rules and regulations of the Park Board were unconstitutional restrictions of free speech as applied to Roy Everett Frankhouser, Jr., an American Nazi Party member and segregationist who was making a speech at the time he was arrested. The Maryland Branch of the ACLU defended Frankhouser; while it expressed strong disapproval of his opinions, the affiliate defended his right to speak under the First and Fourteenth Amendments. The ACLU of Southern California took the same stand, winning the right of an American Nazi Party member, Ralph Forbes, to hold a meeting in a public park. The Redondo Beach City Council had banned the meeting, but a Superior Court judge reversed the decision. The affiliate also filed suit on behalf of a Turn for Peace group which was denied the use of the private Shrine Auditorium after paying a down payment on the hall; the trial will be held this winter. In New York City, mounted police charged into a Times Square crowd that was demonstrating against United States policies in South Viet Nam. Police said the protests violated a two-year-old ban against demonstrations in the area, originally

adopted because of the tense situation created by the Cuban missile crisis. At the time, police officials said the ban was temporary. "We were shocked to find that the ban is still in effect," said the New York Civil Liberties Union, which agreed to defend 17 persons arrested in the protest. The 17 were subsequently found guilty.

Use of Public Schools

The ACLU of Michigan and its Detroit Chapter initiated a court test of restrictions on the use of McGregor Center by Wayne University, which they argued are unconstitutional infringements on First Amendment rights of public assembly. Use of the Center is limited primarily to university-oriented programs or to tax-exempt organizations. A decision is pending. A federal judge denied the petition of the Greater Houston CLU, which sought to ban the loyalty oath requirement for groups applying for rental of city school facilities for meetings. The Wisconsin CLU protested the denial by the Madison Board of Education of use of a high school auditorium by the University of Wisconsin YMCA. The Y and other civic groups planned the meeting to raise funds for the defense of several persons indicted for going to Cuba without a passport. The school board thought this constituted "private gain". This is not so, said the WCLU; the Constitution itself declares the right of accused to counsel, and the obligation of the state to provide it if necessary. The affiliate also pointed out the inconsistency of the Board's position as Madison schools have been used by other groups, although these were non-controversial.

STATE AND LOCAL CONTROLS

Relief Laws

Five upstate New York welfare recipients who had been sentenced to jail for "interfering with public welfare administration" after they refused to cut roadside brush in sub-freezing weather last winter were cleared of the conviction by the New York state Appellate Division. Their appeal was supported by the ACLU, which argued that the criminal conviction under the state's Social Welfare Law violated the Thirteenth Amendment and the federal anti-peonage statute (*see last year's Annual Report, p. 42*). The court dismissed the indictment, saying that there was not a "scintilla of evidence" that any act by the defendants was designed to interfere with the relief program. Both the Union and the appellate court stressed that the men did not leave the job and refuse to work. They only objected to the unusual weather conditions on one day and offered to do other work at the time of the incident.

Unannounced middle of the night visits to welfare recipients are a favorite method of welfare investigators. The National Capital Area CLU objected to such sudden invasions of privacy under the Fourth

Amendment. So did the ACLU of Michigan's Metropolitan Detroit Branch, which secured a legal opinion from the city corporation counsel that such visits are unconstitutional in Michigan. The National Capital Area affiliate successfully restrained the Department of Public Welfare from cutting off aid to dependent and abandoned children because of the father's occasional visits. A similar case arose in Alameda County, Calif. where the ACLU of Northern California intervened to restore relief payments that had been cut off because a man regularly visited the mother and allegedly "assumed the role of a spouse." In another case, the affiliate protested the enforced use of a lie detector on a relief recipient to find out the father of her child.

Right to License

The New York Civil Liberties Union was successful in defense of Greenwich Village poets. The NYCLU filed a friend-of-the-court brief in New York County Criminal Court arguing that requiring a license for coffee house recitation of poetry is an unconstitutional prior restraint of free speech; the judge dismissed the case. The affiliate also defended a subway car sweeper who was fired on the grounds that he fathered at least two illegitimate children, and a psychiatrist who was temporarily denied a notary's license because he refused to sign a pledge that he would not again defy a civil defense drill—a misdemeanor for which he had been previously convicted.

Restrictions on eligibility for membership in California Realty Boards forced both ACLU affiliates in the state to take remedial action. The ACLU of Northern California began a suit against the Berkeley Realty Board for denying membership on political grounds to an applicant, and for threatening reprisal against the accredited board member who stood by the prospective member. Still pending in the court is a suit filed by the ACLU of Southern California, jointly with the NAACP and the American Jewish Congress, charging the Los Angeles and Southwest Realty Boards with conspiracy to restrict the membership of Negro realtors and their participation in Southwest's exclusive multiple-listing system. The Southern California affiliate also came to the aid of a Santa Barbara realtor who was denied membership in the city's Board of Realtors because he supported fair housing legislation. A court order finally admitted the applicant to the exclusive group.

One year after the ACLU of Northern California asked the state Committee of Bar Examiners to revise its application for registration, the Committee did so. The affiliate cited the U.S. Supreme Court opinion striking down the Florida loyalty oath on the grounds of vagueness and the California bar examiners finally got around to making their own application less vague.

The case of "The Beard," Probation Officer James Forstner reached a happy ending when a San Francisco judge ruled that he was entitled to back pay and reinstatement because Forstner's superior had violated his

constitutional protection of equal treatment by demanding that Forstner shave off his beard, but allowing other employees to wear theirs.

Other Issues

The National Capital Area CLU successfully blocked a bill to limit private fund raising in the District to organizations "beneficial to health, welfare and morals of the District." The bill was aimed at the Mattachine Society, a group which attempts through public education to protect homosexuals from discrimination. The ACLU of Oregon supported the right of the NAACP to solicit for funds in Portland, declaring that the right to make such collections for political activities is intimately related to the rights of free speech and assembly and should not be restrained by civil ordinances, except in the case of fund raising for fraudulent purposes.

Defending the right of public employees to engage in political activity, the Oregon affiliate is following closely the case of a postal worker charged with violating the federal Hatch Act, because of his involvement in a local Democratic Party controversy. The case may test anew the constitutionality of the Hatch Act. In a similar case the Northern California affiliate of the ACLU entered and won the case of a psychiatrist who was fired from the Alameda County Rehabilitation Center; he headed a speakers bureau for a political candidate. When the head of Washington State's Federal Way school system asked Henry Paulsen, a janitor, "How did you vote" in a school bond election, Paulsen answered, "None of your damn business." He was fired and the ACLU of Washington state came to his defense. A successful legal case was waged, but Paulsen had obtained a better job. However, he was compensated for his lost wages.

Two ACLU affiliates defended the right of American Nazi Party members to free speech protections of the Constitution, no matter how detestable their opinions. The Indiana CLU filed a friend-of-the-court brief for an ANP member charged with violating a state law against disseminating "malicious hatred," but the state indicated it has no intention of pressing the case. The ACLU of Southern California did the same after a judge's instructions to a jury completely lost sight of the fact that the ANP defendants could only be convicted for their illegal acts, and not because their speech arouses others who resort to violence. The latter case is still pending in the lower state courts.

In other actions by Union affiliates:

¶ The Cleveland Chapter of the Ohio CLU filed a friend-of-the-court brief defending a mother for contributing to the delinquency of a minor, her daughter, to whom she had given birth control information after the girl had given birth to three illegitimate children. While the mother was placed on probation, the appeal is pending.

¶ The ACLU of Michigan investigated a couple's protest that a marriage license application asked for skin color.

¶ The ACLU of Washington State pledged its moral and legal support to Indians protesting the state's alleged violation of their treaties with the federal and state governments.

¶ The ACLU testified in Congress in support of a bill to transfer to the states, with their consent, legislative jurisdiction over federally controlled lands. The Union said the proposal would secure the rights of persons now living on such lands, such as the right to vote, hold public office, serve on juries, and receive public education. The bill did not reach the floor of either house.

CONGRESSIONAL ACTION

The Courts

The U.S. Circuit Court of Appeals in Washington, D.C. reversed the contempt of court conviction of Robert Shelton, a New York *Times* copy editor who was defended by the ACLU (*see last year's Annual Report, p. 44*). The court held that the subpoena issued him in 1956 was invalid because the Senate Internal Security Subcommittee rules call for a Subcommittee decision on subpoenas and in Shelton's case the decision was made by its counsel alone. This was a narrower ground than some of the issues raised by the Union in its argument to the court, such as the problem of proper congressional investigative power as it touched on Shelton's First Amendment rights as a member of the press and as a citizen. But in writing the court's opinion, Judge Skelley Wright emphasized the need for responsibility on the part of congressional committees summoning witnesses, and for awareness of the potential damage to the witness from his "forced revelations."

The Shelton case was one of eight cases, some of which dated back a decade, that were decided by federal courts. The basis of the Shelton decision, that the subpoena was invalid, may be extended to three similar cases arising out of an investigation by the Senate Internal Security Subcommittee. Of four men indicted by the House Un-American Activities Committee, a federal District Court judge in Washington, D.C. found two not guilty. In both cases, the Committee violated its own rules for questioning a witness in private session first if, among other reasons, his reputation might be unjustly injured by a public hearing. The decisions involved Western Union employe Bernard Silber and radio operator Frank Grumman. In Grumman's case, said the court, the HUAC refused a closed hearing precisely because they expected an "unfriendly" witness, which was nothing more than "exposure for the sake of exposure."

House Un-American Activities Committee

Although the HUAC is less active than in its notorious heyday, a Committee investigation in any community still demands the utmost vigilance in defense of civil liberties—and even vigilance is not always

sufficient. Despite vigorous protests by the Niagara Frontier Chapter of the Upstate New York ACLU, six of the 15 witnesses called before a HUAC subcommittee during a trip to Buffalo lost their jobs, including Paul Sporn, an English instructor at the state university who relied on the First, Fifth and other constitutional guarantees in refusing to answer questions relating to Communist activity. In no case did the employer question his ex-employee's ability to do the work. Such economic reprisals are among the major reasons the ACLU opposes the HUAC, the ACLU group declared, especially since the refusal to testify about political beliefs is a constitutional right. Prior to the HUAC appearance in Buffalo the ACLU affiliate requested the committee chairman to provide several due process protections which the HUAC has traditionally ignored. Among the requests, ignored this time also, were protections insuring that subpoenaed witnesses get advance notice of the hearing, that their testimony be taken in executive session, and that counsel have the right of cross-examination. The affiliate also asked for a ban on eavesdropping equipment to preserve the confidential relationship between lawyer and client, and the elimination of television and motion picture cameras to maintain the alleged judicial character of the HUAC hearings. Joining the NFCLU protests were members of other civic organizations, as well as students and faculty of the State University at Buffalo who peacefully picketed the HUAC's visit.

A particularly obnoxious aspect of the Committee hearings was its investigation, after its familiar fashion, of "Communist infiltration" of the University. Following the hearings, a suit was brought in a federal District Court on behalf of George E. Starbuck a librarian at the school, who was fired under the requirement of the state's Feinberg Law for a loyalty oath by teachers. The suit challenged the implementation of the law against Starbuck, since he was not considered a teacher by the state. When the case was dismissed a new suit was filed directly challenging the constitutionality of the Feinberg Law on behalf of several faculty members of the University. One of the teachers was dismissed, but several who were not were harassed by being denied promotion and lucrative teaching assignments. This suit, too, was dismissed by a federal District Court on the grounds that U.S. Supreme Court decisions support the constitutionality of loyalty oaths for public employees. An appeal, still pending, was taken to the U.S. Circuit Court of Appeals.

Deplorable as the Buffalo performance of HUAC turned out to be, it was repeated during hearings in Minneapolis. There, after three days of hearings, two of eleven witnesses lost their jobs. The Minnesota affiliate of the ACLU provided counsel for ten and will try to restore the jobs of the two who lost them. Compounding the damage, a District Lodge of the International Association of Machinists summoned a mechanic who refused to answer the committee's questions to a union trial on charges that he was "advocating and encouraging communism." The ACLU affiliate also issued a statement warning of "damage to the

judicial process through invasion of the judicial function by a legislative body which adopts quasi-judicial proceedings without the safeguards honored in the courts." The fear proved well founded when the names of the witnesses summoned before the HUAC were leaked to the press several days before the hearings got underway. The Committee chairman promised to fire anyone on the HUAC staff who disclosed the names and the local U.S. marshal and attorney both denied any part in the disclosure. Among violations of civil liberties pointed out by the Minnesota affiliate of the ACLU were that citizens are placed in jeopardy without grand jury indictment, trial by jury, or the constitutionally guaranteed rights of the accused to know the charges against him and face his accuser.

Summing up the effect of the HUAC hearings, the affiliate concluded that they were not—unfortunately—substantially different from HUAC investigations in other cities. "All have had this in common," the Minnesota Branch said: "They unfairly deprive individuals of their rights and foster a climate of suspicion, fear and misunderstanding, without serving any substantial legislative purpose."

John W. Mass, a San Francisco City College English instructor, was reinstated with back pay of \$120,000 after a legal battle that took 10½ years from the time he was suspended in 1953 for refusing to answer HUAC questions. The state Supreme Court held that the Board of Education did not follow customary statutory procedures in firing Mass, who was defended throughout the long case by the ACLU of Northern California. The ACLU of Southern California defended a secondary school teacher, Sam Wellbaum, whose teaching credentials were revoked on the grounds of past Communist Party membership. A Superior Court judge set aside the revocation by the State Board of Education in the ACLU-sponsored case on the grounds that the state offered no evidence to prove that the Communist Party advocates the violent overthrow of the government, or that Wellbaum knew of such advocacy.

Presaging a new effort to curb HUAC in the 88th Congress, the Union urged before the Republican and Democratic conventions abolition of the HUAC as "the most effective contribution your convention can make to strengthen freedom of speech and association." During the 27 years of the Committee's existence, said the ACLU to the platform committees, the HUAC actually damaged the nation's security and morale by becoming "an instrument of fear and oppression." Trial by publicity in a circus atmosphere, rather than calm judicial judgement in legally protected court trials, "sapped the strength of the First Amendment," the ACLU said.

The Union has long pointed to the absence of significant legislation introduced by the HUAC. One such rare example, opposed by the Union but signed into law by President Johnson was a bill giving the Secretary of Defense summary power to dismiss employees of the National Security Agency. The law did not provide a hearing, the right of cross-examination, the right to have information against him disclosed, or the right of

appeal. "Under this arrangement the basic ingredients of due process are completely disregarded," the Union said. "Indeed, the employee is even denied the right to know the reasons for his discharge no matter how many years he may have been employed by the agency." The ACLU conceded the need for proper security safeguards in sensitive positions, but took strong exception to procedures that defy constitutional guarantees of due process.

LOYALTY AND SECURITY

The Federal Scene

Following a conference between the ACLU and the Defense Department on ways to improve procedures under the federal security program, the ACLU received a 1962 Department memorandum cautioning security investigators and members of review boards to respect "lawful civil and private rights." The Union praised the memorandum as a significant contribution toward the maintenance of civil liberties in the security program. The memorandum said that "care must be taken not to inject improper matters into security inquiries. . . . For example, religious beliefs and affiliations or beliefs and opinions regarding racial matters, political beliefs and affiliations of a nonsubversive nature, opinions regarding the constitutionality of legislative policies, and affiliations with labor unions are not proper subjects for such inquiries. . . . Questions regarding personal and domestic affairs, financial matters, and the status of physical health fall in this category unless evidence clearly indicates a reasonable basis for believing there may be illegal or subversive activities, personal or moral irresponsibility, or mental or emotional instability involved. The probing of a person's thoughts or beliefs and questions about his conduct which have no security implications are unwarranted." The memorandum was addressed to Undersecretaries of the Army, Navy and Air Force, which the Union contacted to learn how the 1962 document was implemented. The Army said it issued two supplementary sets of instructions to make sure the policy outlined in the memorandum was being followed. The Navy and the Air Force replied that they were already following the guidelines outlined by the Defense Department.

The Treasury Department, responding to substantial criticism from the ACLU over the Coast Guard's security program for merchant mariners and dock workers, improved its clearance procedures (*see last year's Annual Report, p. 56*). Concluding an exchange of letters between Treasury Secretary Douglas Dillon and ACLU executive director John deJ. Pemberton, Jr., the Coast Guard eliminated from a revised questionnaire inquiries whether the applicant has 1) ever been subject to or under the direct or indirect influence of a foreign government, 2) any relatives living in Communist countries, 3) subscribed to any publication published by an organization on the Attorney General's list of subversive organizations, and 4) engaged in distribution of such

publications. These changes, said the Union, go a long way to correct "serious infringements upon political liberty and the right to privacy." However, the Union pointed out that the revised form still retains three questions to which it objects as infringing on vital First Amendment guarantees. The questions are whether the applicant ever advocated the overthrow of the government by force or violence; whether he ever submitted material for publication to any organization on the Attorney General's list; and whether he belonged to any such organizations.

Proving that the Coast Guard procedures still leave something to be desired, the ACLU sued in a federal District Court on behalf of an ex-Communist who was denied permission to crew on American merchant ships. Joseph Clinton McBride, a Florida Negro, joined the Communist Party in 1938 or 1939 because he believed the Party supported Negro rights. He sailed U.S. flag vessels from 1941 through 1948, then left the sea and did not apply for authorization to return to the Merchant Marine until 1959. Following a 17-month security check he was denied clearance for 25 reasons, all concerned with McBride's membership and activities in the Communist Party, which he had left in 1957. The denial was upheld following a hearing at which McBride testified that he never joined the Party for the purpose of overthrowing the government and that he never believed in or committed violence, sabotage or espionage. He quit the Party, he said, because he became disillusioned with its role in the civil rights struggle. The ACLU argued that the Coast Guard's actions in denying him the means of earning a livelihood were vague, arbitrary and without due process of law. The Union further asserted that the security program of the Coast Guard violates civil liberties protections of the Constitution, ranging from arbitrary criteria for judging a threat to the United States to depriving the accused the right to confront or cross-examine his accusers. Another point raised by the Union was that the Coast Guard made membership in allegedly subversive organizations automatic grounds for the deprivation of liberty and property, without evidence that the applicant knew of any illegal activity of these organizations.

In the light of two actions by the U.S. Supreme Court dealing with the Communist Party and so-called "Communist-front" groups, the ACLU urgently requested the Justice Department to stop all proceedings aimed at these organizations and officials under the 1950 Subversive Activities Control Act (the McCarran Act). The high court left standing a U.S. Circuit Court of Appeals decision that the Communist Party could not be forced to register as a "Communist-action" organization under the terms of the McCarran Act. The appellate court held that the only way registration could be accomplished would be if some individual would volunteer to surrender his privilege against self incrimination, and this no one could be compelled to do. Thus, although the Communist Party has the duty under law to register, the fact that there were convictions of Communist Party affiliates and members for violating the Smith Act

forced the government to prove that someone would be willing to come forward and surrender his rights against self-incrimination and register on behalf of the Party. If no individual can register for the Communist Party, the appellate court seemed to say, then the Party cannot be punished for not registering. It remained to be seen whether the argument swayed the Justice Department. Communist Party general secretary Gus Hall is already under indictment for having failed to register the Party; 44 alleged leaders of the Party have been cited for failing to register as members; and the government is claiming more than \$500,000 in 1951 income taxes against the Party on the claim that it lost its tax exempt status under the Communist Control Act of 1954.

In addition to leaving the Court of Appeals opinion unchanged, the U.S. Supreme Court agreed to review the question of whether "Communist-front" organizations could also be required to register and whether their members could be further penalized by being disbarred from government employment, receiving passports, and undergo other punitive restrictions. In a letter to the U.S. Attorney General, the ACLU said that any further government effort to force registration was "nothing but harassment" in view of the U.S. Court of Appeals decision affecting the Communist Party. The Union argued that the appellate court had made no distinction between "Communist-action" groups and "Communist-front" groups as required by the statute when it upheld orders to two alleged "fronts" to register with the Subversive Activities Control Board. The appellate court held that the Veterans of the Abraham Lincoln Brigade and the American Committee for the Protection of the Foreign Born were similar to the Communist Party and thus subject to certain "constitutionally permissible" limitations of First Amendment rights. The court said that the Communist Party's rights to free speech and assembly must yield to the "necessity for self-preservation when the government is directly confronted with a threat of forcible overthrow by the Soviet Union." The decision appeared to link all "front" groups together with the Party and "Communist-action" groups. The ACLU memorandum to the Justice Department took strong exception to this amalgamation. Careful legal analysis, the Union said, showed that the statute clearly distinguished between both sorts of groups, based on the fact that "front" groups do not have the same kind of involvement with foreign domination and control, or dedication to forcible overthrow of the government. Moreover, added the ACLU, the Court of Appeals offered no explanation of this "further dilution of First Amendment rights." The Union, which had argued these points in a friend-of-the-court brief in the Court of Appeals, pressed its points again before the U.S. Supreme Court.

The Minnesota and Oregon affiliates of the ACLU protested local hearings by the SACB. The Oregon CLU called the hearings "a fresh reminder that the Constitutional freedoms of all Americans are endangered" through the McCarran Act invasions of political association and guarantees against self-incrimination. The ACLU of Washington state chal-

lenged the constitutionality of a provision of the McCarran Act prohibiting employment of Communist Party members in defense facilities. The case concerned Eugene Robel, a shipyard worker charged with violating the law because he was also a member of the Communist Party. The brief filed in a federal District Court said that the Act violates the First Amendment protections of political association because it penalized Robel's membership in the Communist Party even though another section of the law says it is not unlawful to be a member. No decision has yet been reached.

In Congress, the ACLU opposed the inclusion of non-disloyalty affidavits in the anti-poverty bill. One section of the bill requires prospective members of the Job Corps to execute such an oath; another section, even broader, bars funds to all individuals under of the law's provisions unless they also sign the affidavit. "It would seem," commented the Union in a letter to all members of the Senate, "that we should have learned our lessons about non-disloyalty affidavits in the past decade—that they are ineffective . . . demeaning . . . usually unconstitutional . . . and that they are travesties on patriotism."

State and Local Actions

After the name of the ACLU was villified in a bitter political campaign, the Union was thoroughly though indirectly vindicated by a libel decision that heavily penalized irresponsible accusations. The suit was brought by ACLU members Mr. and Mrs. John Goldmark of Okanogon, Washington, who charged that the defendants deliberately sullied their reputations by linking their names with an international Communist conspiracy. One of the chief tactics of the defense was to brand the ACLU, of which Goldmark had been a state committeeman, as a "Communist-front." The libel suit was filed about two weeks after Goldmark was defeated for renomination as Democratic candidate for the state House of Representatives; he had held the seat for three previous two-year terms. Throughout the primary campaign Goldmark and the Union were the target of wild, willful misrepresentation by a newspaper called the *Tonasket Tribune*, its owner, a former state senator who runs a private intelligence agency, the John Birch Society's state coordinator, and a fourth individual. Typical of the charges was one by the private investigator who said that "The American Civil Liberties Union is, in my judgement, one of the most effective Communist Fronts in America." For that and four other libels, a jury penalized the defendants \$40,000 and cleared the names and reputations of Goldmark and the Union. An appeals court ordered a new trial on the grounds of the New York *Times* libel decision (*See p. 27*).

Though several ACLU members and officers testified in the Goldmark case at the request of the plaintiffs, the suit was a wholly private action brought without the Union's financial participation or support. Until now the Union has itself not brought libel actions or actively participated

in suits brought by other parties. However, the New York *Times* libel suit in which the Union did file a friend-of-the-court brief in the U.S. Supreme Court has highlighted special questions relating to libel actions based on comments about public officials. A comprehensive review of this and related libel issues is now being conducted within the Union.

In a somewhat similar situation, the voters of Dade County, Florida also backed the Union against more circumspect, but equally untrue, charges of Communist influence. Jack D. Gordon, a former board member of the Florida CLU, handily won election to the county school board in a contest in which well-organized opponents resurrected a 1938 pamphlet by a Massachusetts legislative committee which charged the Union with sympathy for Communism. After his election Gordon said, "Anyone who has examined this organization (the ACLU) would come to the conclusion that it is a legitimate group that follows a difficult path with great integrity. If those who attack it don't know this, their education is too limited to entrust them with the education of anyone else."

The U.S. Supreme Court agreed to review a challenge to Louisiana's anti-subversive laws on the grounds that they cloak harassment of the civil rights movement. The ACLU backed the challenge in a friend-of-the-court brief. Primarily under attack is the Southern Conference Educational Fund, a group working for desegregation. Contending that SCEF is a Communist-front, a Louisiana legislative committee authorized a police raid on the New Orleans offices of the organization. Three men, including two lawyers (*see p. 90*), were arrested and their homes were also ransacked. Confidential records were seized and subpoenaed by the U.S. Senate Internal Security Subcommittee and ordered out of Louisiana at midnight and into Mississippi. The seizure took place on the day the SCEF was seeking a temporary restraining order against their removal. Appealing for review by the U.S. Supreme Court, the ACLU argued that "so long as it is lawful to repress Communism but unlawful to repress Negro equalitarianism, this court has the obligation to lay down clear rules preventing the destruction of Negro rights on the pretext that those who claim to defend them are subversive." The Union asked the high court to reverse a three-judge federal District Court ruling that refused federal jurisdiction to act on the SCEF's complaint that its constitutional freedoms were infringed by the raid. The ACLU also argued that the state anti-subversive law violates the First and Fourteenth Amendments on its face; that the law has been superseded by federal legislation; and that refusal to permit the appellants to present evidence of the unconstitutionality of the statute is a violation of due process of law.

Key defendant in the case is James Dombrowski, executive director of SCEF, who was accused of failing to register with state authorities as a member of the group. SCEF was charged with being "essentially the same as the Southern Conference for Human Welfare," cited by the HUAC in 1944 and 1947 as a Communist front organization. This count, and a second one charging him with membership in the management of

a "subversive organization" each carry a maximum of ten years in prison and a \$10,000 fine. A second defendant, Benjamin Smith, was indicted on three counts—for being a member of SCEF, its treasurer, and a member of the National Lawyers Guild. The third person to be indicted was Smith's law partner, Bruce Waltzer, who was charged solely for membership in the National Lawyers Guild. After the three men were arrested in October, 1963, a state judge vacated the warrant against the trio for lack of evidence.

The basic issue of superceding federal legislation in the field of Communism was also raised by the ACLU in a Texas case which the U.S. Supreme Court agreed to review. The ACLU asked the high court to declare the state Communist Control Act and Communist Suppression Act void under the Constitution's Supremacy Clause. The case arose with the seizure by police of over 2,000 allegedly "pro-Communist" books and pamphlets, a mailing list and the personal papers from the home of John William Stanford, a San Antonio accountant. The seizure followed a federal court order requiring Stanford to register as a member of the Communist Party under the 1950 Subversive Activities Control Act. The Union is not handling Stanford's challenge of the federal registration order. Rather, it argued that the Texas search warrant was an illegal violation of his First Amendments rights of free speech, press and association and infringed on his Fifth Amendment rights against self-incrimination. The ACLU also challenged the validity of the search warrant under the Fourth Amendment, since the books to be seized were not particularly described in the warrant but left to the discretion of an unqualified peace officer, and the warrant failed to indicate the specific crime that had "probably" been committed.

In other developments:

¶ The unemployment compensation commissioner of Connecticut ruled that an employer's questions about possible Communist affiliation are irrelevant and ordered compensation benefits paid to Robert Elkins.

¶ The ACLU of Southern California is defending a 14-year-old Los Angeles schoolboy who was fired from his job as a cafeteria dishwasher because he refused to sign a loyalty oath. The state claimed the youth, Stephen Sublett, would not have been eligible for compensation if he was injured on the job.

¶ The Supreme Court of California let stand an appellate court ruling in favor of Rita and William Mack, schoolteachers who challenged the state's Levering Act loyalty oath. The lower court restored their teaching certificates after a four-year battle during which the Macks denied that as past members of the Communist Party they knew that the Party advocated violent overthrow of the government, or that, in fact, the Party advocated forcible overthrow. The ACLU of Northern California defended the pair through the long court fight.

¶ A public debate over the alleged Communist affiliations of members on the staff of Mobilization for Youth, a New York City social project,

was strongly condemned by the ACLU and its New York affiliate. The Union and the NYCLU deplored the accusations as a "throwback to McCarthyism" and noted that while the public interest should be preserved in the expenditure of MFY's public funds, "That public interest will not be vindicated by giving rumors and unsubstantiated charges the standing of responsible accusations, nor by reversing our traditions of presumed innocence and suspended judgment."

¶ The Miami City Council, deliberating in all seriousness, passed an ordinance making it unlawful for any person to wear in public or display the swastika or the hammer and sickle. Exempt are actors and visiting Soviet officials.

LABOR

Bias

In a decision that shattered precedent, the National Labor Relations Board ruled that racial discrimination by a labor union against its own members constitutes an unfair labor practice punishable by decertification. The NLRB said such bias is prohibited under the Taft-Hartley Act. The ACLU filed a friend-of-the-court brief in the case urging NLRB action against unions' discriminatory practices (*see last year's Annual Report, p. 49*). The case involved Locals 1 and 2 of the Independent Metal Workers Union at the Hughes Tool Co. plant in Houston, Texas. The union is not affiliated with the AFL-CIO.

The case arose when the all-white Local 1 refused to process a grievance by Ivory Davis, a member of all-Negro Local 2, that he had been eliminated from a list of employees who had applied for apprenticeship openings. Both unions had been jointly certified by the NLRB as collective bargaining agent with the company, and the complaint demanded decertification for both on the grounds that jobs for Negroes were limited to those in the lowest classifications and apprenticeships were reserved for whites. Local 2 also asked that the union be required to meet the requirements of the President's executive order barring discrimination on government contracts.

The ACLU brief asserted that the NLRB had the right to outlaw discrimination in unions under its jurisdiction as an unfair labor practice. The Union position was based on a U.S. Supreme Court decision prohibiting discrimination in railroad unions under the terms of the Railway Labor Act—but not in other unions. The Union said that such restrictions would "result in hopeless chaos" that would be particularly damaging to low income workers in other fields who do not have the time or income to sue for the rights in individual litigations. The Union also pointed out that the NLRB was bound by a 1962 U.S. Supreme Court decision that gave government agencies the responsibility to bar discrimination in a private enterprise, where that agency has been directly involved with the private employer. Such is the case with the NLRB, said

the ACLU, since it certifies labor unions as collective bargaining agents. The ACLU brief suggested that as a first step, the NLRB could order an offending union to restore back pay to victimized workers before imposing decertification. The NLRB, however, immediately took the strong remedy of decertification, which left the union open to raids by other labor unions and deprived it of the right to appeal to the NLRB in disputes with the employer. In addition, by ruling such discrimination an unfair labor practice the NLRB made its decision enforceable in the courts.

For more than 75 years Local 28 of the Sheet Metal Workers International Union in New York refused to admit Negroes as journeymen or apprentices. Following a decision by the State Commission on Human Rights that the local was guilty of racial discrimination, the local accepted a non-discriminatory apprenticeship system that struck down the historic father-son membership practice. The drastic change was accomplished by a lower state court judge who sustained the Commission's finding of racial discrimination and won agreement from the local for a non-discriminatory application system including an impartial review for complainants. Though the immediate effect of the ruling remained to be judged, there was no doubt that the father-son membership pattern, which had prevailed for so long in the construction industry, had suffered the most serious setback in its unsavory history. The difficulty of forcing, or persuading, all-white unions to accept Negroes as co-workers was demonstrated in New York City, where a Plumbers Union local firmly refused to work along side four non-white workers. Months after the controversy the local disclosed that three Negroes and a Puerto Rican had taken written tests to enter the union as journeymen and that all had passed. That made about 20 non-whites in a membership of 4,100, though the local stubbornly denies that it practices racial discrimination in admitting new workers.

Workers' Rights

The U.S. Supreme Court ruled that state courts, rather than the NLRB, should enforce so-called "right-to-work" laws. Rejecting arguments that state-by-state enforcement would undermine the application of a national labor policy on collective bargaining, the high court ruled unanimously that a state which exercises its options under the Taft-Hartley Act to adopt laws prohibiting the union shop, the agency shop, or both, may also use its own courts to enforce the law. The ACLU filed a friend-of-the-court brief in the U.S. Circuit Court of Appeals for the District of Columbia in a unique case that focused attention on governmental regulatory responsibility as it affects individual rights. Robert J. Jones claimed that he lost his job as a co-pilot for Eastern Airlines because the Civil Aeronautics Board told his employer that he had his pilot's license revoked for an alleged error in judgment, even

though at the time that the CAB passed along the information Jones was flying only as a co-pilot. He was still qualified for the co-pilot's job while the revocation of his pilot's license was under review. The CAB denied that it had asked Eastern to fire Jones, only that it gave the information in following a long-standing policy to promote air safety. But the ACLU argued in a friend-of-the-court brief that its action might constitute "arbitrary government interference with Jones' right to earn a living" in violation of the liberty and property concepts of the Fifth Amendment.

In other cases, the U.S. Supreme Court refused to review the appeal of two labor organizers who were arrested for trespassing when they handed out leaflets at a California labor camp for Mexican workers, informing them of their rights while in the United States. The case was supported by the ACLU of Northern California, which also defended the right of a Sacramento television station employe to distribute handbills while outside the station which appealed to the public not to patronize advertisers on the struck station.

In two other picketing disputes, the ACLU of Southern California won the right for others to picket a privately owned shopping center and defended a General Telephone Co. employe whose free speech rights were violated when he was convicted of defying a court injunction by making derogatory remarks to non-striking workers.

The Public Review Board set up by the United Automobile Workers cleared a worker of slander charges and ordered the restoration of his union membership, concluding a two-year battle between John W. Anderson and officials of UAW's Local 15 in Detroit. The Public Review Board's action pointed up the value of outside scrutiny of union disciplinary proceedings, a position that the ACLU advocated over a decade ago as a means of furthering internal union democracy. In the Anderson case, the ACLU of Michigan sought the right to file a brief. While the request was turned down, the mere request pointed up the improper denial of union membership and indicated the significance of this issue.

Loyalty and Security

A U.S. Circuit Court of Appeals in San Francisco struck down one section of the 1959 Labor-Management Reporting Act prohibiting Communist Party members from holding office in a labor union. The decision was handed down in the case of Archie Brown, an admitted Party member and executive board member of Local 10 of the International Longshoremen's and Warehousemen's Union, on whose behalf the ACLU of Northern California filed a friend-of-the-court brief (*see last year's Annual Report, p. 51*). The affiliate charged that the law abridges free speech and association as defined in the First Amendment; fails to provide due process of law required by the Fifth Amendment, and is still a bill of attainder under Article I, Section 9 of the Constitution. The brief also noted that Brown was only one member of a 35-man executive

board and therefore it was unrealistic to assume that his rights must be infringed to protect society against the remote danger of a strike for Communist purposes. The Court of Appeals agreed. It found the regulation "unreasonably broad" and declared: "The Communist Party has both legal and illegal aims and carries on both legitimate and illegitimate activities. . . . To relieve Congress from having to wait until it can punish the act, it is given power not simply to remove the threat but to punish it; and with no showing whatsoever that the act in fact is threatened by the person punished."

DUE PROCESS OF LAW

Court decisions, particularly at the Supreme Court level, spurred major progress in the area of due process. The high court upheld the right to counsel before and during interrogation and widened the scope of the Fifth Amendment's privilege to proceedings in state courts. In addition to these landmarks, the 1964 Criminal Justice Act provided federal aid to indigent defendants and Senate hearings on improving bail procedures pointed up new emphases in providing poor people with fairer treatment and better defense. By contrast, government invasion of privacy took on new forms as congressional hearings disclosed widespread use of lie detectors; 19 Federal agencies used these devices, employing 683 examiners and spending \$4,500,000 annually.

The tragic fiasco created by public officials and news media in Dallas following the arrest of Lee Harvey Oswald sharpened the old conflict between fair trial and free press. The disclosure of information, combined with press pressure, violated rudimentary due process protections needed to guarantee an accused a fair trial by jury.

Illegal arrest and detention practices was a source of major concern, despite Supreme Court decisions that stressed the obligation of police to observe constitutional standards. Greater pressures to override the high court's rulings can be predicted as state legislatures, like New York's, adopt new laws to make easier the police search of criminal suspects. Police practices were defended and condemned in the highly publicized struggle over police review boards, particularly as police bore the brunt of violent Negro protests for equal treatment with whites. The growing interest in such independent boards to hear citizens' complaints of illegal police practices was evident in major cities throughout the country.

Several frontier issues, including the rights of persons confined because of mental illness, application of adult civil liberties standards to juvenile defendants and rights of persons victimized by government officials because of their poverty received more attention and pointed to increasing significance of such due process questions.

FEDERAL EXECUTIVE DEPARTMENTS

CITIZENSHIP AND DEPORTATION

Citizenship

The U.S. Supreme Court powerfully strengthened the rights of naturalized citizens, enabling them to retain their citizenship on the same basis as native-born Americans, even after living abroad for an extended period. "We start from the premise that the rights of citizenship of the native born and the naturalized person are of the same dignity and are coextensive," the high court declared. The "native born citizen is free to reside abroad indefinitely without suffering loss of citizenship. The discrimination aimed at naturalized citizens drastically limits their rights to live and work abroad in a way that other citizens may. It creates second class citizenship. Living abroad, whether the citizen be naturalized or native born, is no badge of lack of allegiance and in no way evidences a voluntary renunciation of nationality or allegiance."

The high court's opinion restored the citizenship of Angelika L. Schneider, who lost it after living for three years in Germany, where she was born. After growing up in the United States she returned to Germany, married, and established a family. The ACLU filed a friend-of-the-court brief in the case which cited the provision of the Fourteenth Amendment that all persons born or naturalized in the United States are citizens of the United States. The brief noted that the Constitution, in Article II, puts one narrowly defined limitation on the rights of naturalized citizens: to be elected President. Otherwise, said the Union, "No . . . distinctions between native and naturalized Americans are constitutionally proper." The U.S. Supreme Court upheld these arguments. It rejected the government claim that when naturalized citizens return for long periods to their homelands, possibilities develop that the United States could become diplomatically entangled with other nations over problems created by U.S. nationals. "The most precious right of citizenship" cannot be withdrawn for "administrative convenience" the Court said. The government would have to show some more "urgent public necessity." The State Department estimated that about 10,000 persons would be eligible to regain their citizenship as a result of the U.S. Supreme Court decision.

In another citizenship case, the U.S. Supreme Court split 4-4, thus upholding the expatriation of Milwaukee-born Herman Frederick

Marks, who fought in the army of Fidel Castro. Marks, now a man without a country, was defended by the ACLU. The Union said that citizenship cannot be taken from a native-born American where the renunciation was not voluntary, and Marks had never renounced his American citizenship. Banishment in such a case violated the Eighth Amendment by imposing the cruel and inhuman punishment of statelessness, the ACLU said in its brief, which was rendered without the procedural safeguards guaranteed by the Fifth and Sixth Amendments as in a criminal prosecution. The government rested on the 1952 Immigration and Nationality Act, under which any American who serves in the armed forces of a foreign state, without the authorization of the Secretary of State, loses his citizenship. The government acknowledged that it would not physically deport Marks.

For the second successive summer, James Peck, prominent American pacifist, was detained and interrogated by immigration officials for being "suspected" of journeying to Cuba. Under Section 215 of the Immigration Act, officials are authorized to question Americans arriving from abroad concerning travel to Cuba. Peck, however, was detained twice after immigration service officials spotted his name in a book maintained by the service. On both occasions he was released after he refused, as a matter of principle, to answer questions about when he "last had been to Cuba." In a letter to Secretary of State Dean Rusk, Peck appealed either for prosecution against himself (though he had not been to Cuba) or removal of his name from the blacklist so that he would not be further harassed. In addition, the ACLU forwarded the letter to Rusk to the U.S. Attorney General, along with a Union protest that said the treatment accorded Peck showed a "shocking indifference to the rights of an American citizen." Even if Section 215 of the law was constitutional, said the ACLU, it must be applied for probable cause, and not "upon the mere whim and fancy of the officers charged with its enforcement." A spokesman for the Attorney General replied to the Union, defending the government procedure and conceding the existence of a list of persons suspected of violating the ban on travel to Cuba. At the same time, the government official said that Peck's name had been removed from the list.

Deportation

One of the longest cases ever defended by the ACLU of Northern California came to a successful conclusion when the Immigration Service ruled that a husband and wife, who were both born in China and entered the United States in 1937, could adjust their status and remain in the country indefinitely. A Chinese resident of the U.S., Let Poy Wong, agreed to leave the country voluntarily, rather than face a long trial on whether he was a legal resident. The Immigration Service said he used false papers, giving a birthdate three years younger than he really was.

Then the Social Security Administration refused to accept the date used by the Immigration Service for purposes of calculating Wong's application for old age benefits.

CONFINEMENT OF MENTALLY ILL

A thorough survey by the Illinois Division into mental commitment procedures in Cook County resulted in a major reform, a new Mental Health Code for the state which the affiliate helped to draft and enact. Among the important new rights won by the Illinois Division were a full judicial hearing before a judge or jury by those who request it, full records of proceedings and recognition of the right to counsel, written notice within 12 hours of admission to a mental hospital informing the patient of his rights under the code and allegations concerning his illness. For patients who do not easily understand the written word, every effort must be made to inform him of his guarantees.

The Minnesota Civil Liberties Union was instrumental in restoring the freedom of William Reinholm, who remained confined in a state hospital for 14 years simply because he did not have the money to arrange a hearing to get out. Reinholm was originally committed after an arrest on suspicion of statutory rape of a 14 year-old girl in International Falls. He claimed there were no grounds for the arrest, no criminal charges against him and that at the time of the hearing he was not permitted to cross-examine witnesses or call his own witnesses. In 1960 medical experts said Reinholm showed no abnormal sexual behavior but he was unable to pay for attorney's fees or the transportation to International Falls for a hearing to clear himself. The Minnesota Branch arranged with the state Attorney General to foot the bill and Reinholm was then given his freedom early in 1964. Sadly enough, he voluntarily recommitted himself to the hospital. Reinholm's wife had died while he had been committed as a psychopathic personality and he had no life or job in the outside world. Throughout the case, the Minnesota Branch also pursued the more far-reaching question of a man who remained in a mental institution simply because he was unable to pay for a new hearing.

MILITARY JUSTICE

The Army laid down strict rules to prevent abuses in the uses of lie detectors by military police investigators. The order bars investigators from taking testimony from anyone who is fatigued, ill, or emotionally tense. It also forbids such deceptive gambits as investigators with white coats that make them look like doctors. Disclosure of the Army regula-

tions followed the unearthing of a two-year-old secret Pentagon report that cast grave doubt on the reliability of lie-detector tests—a position also held by the ACLU, which has consistently opposed polygraph tests on the additional constitutional grounds of invasion of privacy and possibility of self-incrimination (*see p. 68*). The secret Pentagon report was discovered by the House Government Operations Subcommittee. Soon afterward the Defense Department issued new orders substantially limiting the conditions under which the tests can be given and strengthening the rights of servicemen who might be asked to take them. The ruling makes it a requirement that prospective examinees be told that they may refuse to take the tests under the Fifth Amendment, and must give their written consent before the test can be administered. They also must be told whether a two-way mirror or comparable device is located in the vicinity, and whether the examination will be monitored or recorded, in whole or in part.

A Court of Military Appeals ruled that methods used by U.S. Air Force investigators in getting an espionage conviction constituted a "massive and deliberate" violation of the defendant's constitutional rights. So damaging, in fact, were the methods that the court reduced the charges against Captain Joseph P. Kauffman and cut his 20-year prison sentence in half. Kauffman was sentenced in Wiesbaden, Germany in April, 1963 for conspiring to deliver secrets to East German agents. His quarters were searched four times by a three-man team under orders without warrants and his hospital room was bugged. "We regret," said the court "that we cannot call to our command words which can adequately condemn the illegal procedures revealed by this record." The ACLU sought a further investigation of the case in order to bring action against those responsible for the violations but was assured that a repetition of the illegalities was unlikely.

A U.S. Circuit Court of Appeals reversed the Army's dismissal of Major Archibald E. Roberts, who was relieved of active duty because of an unauthorized speech in 1962 to a convention of the Daughters of the American Revolution. Roberts, formerly on the staff of Major General Edwin A. Walker, attacked several prominent Americans in the speech. The court did not rule on Roberts' assertion, supported in an ACLU friend-of-the-court brief, that the First Amendment of the Constitution was involved. The court did say, however, that Roberts was fired without certain procedural safeguards provided by Congress for reserve officers within two years of retirement.

In actions by ACLU affiliates:

¶ The National Capital Area CLU obtained the cancellation of an undesirable discharge for a veteran who had been cleared of misconduct by a court martial.

¶ The ACLU of Northern California defended a reservist who was given an undesirable discharge on the basis of alleged membership in the

Socialist Workers Party, an apparent resumption of an Army campaign against left-wing political affiliations by reservists that had abated.

¶ The Illinois Division, after six years of effort, finally won an honorable discharge for a reservist who joined the Socialist Labor Party after he left active duty.

WIRETAPPING

In the wake of televised Senate committee hearings into the so-called Cosa Nostra, Attorney General Robert F. Kennedy called for a revised wiretap bill. The ACLU promptly opposed the new proposed law, stressing that wiretapping is not a cure-all for organized crime and should not be regarded by law enforcement officials as a panacea. Indeed, said the Union, the benefits are enormously outweighed by its "vast and unselective intrusion into the rights of privacy of all citizens." All calls are overheard, "no matter how irrelevant, intimate, or otherwise privileged, and thus all persons who respond to his calls have their conversations overheard."

The ACLU criticized the State Department, which admitted that it had bugged the telephone of Otto F. Otepka, at the time the Department's chief security evaluations officer was appealing his dismissal for turning over to the Senate Internal Security Subcommittee unauthorized information. Though officials said that the listening device was never actually used (because of electrical interference), the Union expressed shock that it was ever contemplated and tested. "The Fourth Amendment's prohibition against illegal search and seizure clearly bars governmental invasion of personal communications of citizens, even in an inquiry of one of its employees," the ACLU said. The Union also condemned the government's involvement, along with Britain and France, in wiretapping and mail censorship in West Germany. Though the Bonn constitution forbids such practices, its treaties with the U.S., Britain and France allow these countries to do so for intelligence purposes. The issue exploded in a public debate in West Germany, which led the ACLU to lodge a sharp protest. "Although our Bill of Rights does not cover the citizens of West Germany," the Union said, "it ought to govern the activities of American agencies which exist for the purpose of defending our democratic institutions."

According to a study conducted by the House Operations Committee, 19 agencies of the federal government own polygraph machines costing some \$425,000; six other agencies permit tests on the machines, but do not own the equipment. The total cost of running the polygraphs, operated by 638 examiners, is almost \$4,500,000. During a single year more than 25,000 persons took the government-administered tests and countless others took the tests as private employees of business and industry.

Yet despite the widespread use of the polygraphs, an expert testifying before the House committee reported that about 80% of the "experts" who operate the machines "are not properly qualified." The ACLU cited the damning testimony, given by professor Fred E. Imbau of Northwestern University, in condemning the use of polygraphs. In addition, the Union pointed to the considerable scientific evidence showing that the tests—even under the best of circumstances—do not dependably measure respiration, blood pressure and the amount of perspiration on the skin which are essential to substantiate the polygraph's shaky claim to reliability. Quite apart from the question of reliability, however, the ACLU's principal opposition to polygraphs rests on argument that their use invades the subjects right to privacy and his right not to be forced to testify against himself, both guaranteed by the Constitution.

On the local level, wiretapping and electronic eavesdropping by a prosecuting attorney was challenged in a civil suit, still pending, brought as private citizens by two leaders of the Cleveland Civil Liberties Union. They charged it violates the Federal Communications Act, and the Fourth and the Fourteenth Amendments. The Minnesota CLU successfully opposed the proposed purchase of wiretapping equipment by the Duluth City Council. A resolution passed by the Madison Common Council and applauded by the Wisconsin CLU opposed electronic eavesdropping and polygraph tests. The resolution may have been the first of its kind in the nation; it was even more significant for including the controversial issue of polygraph (lie-detector) tests.

ILLEGAL POLICE PRACTICES

"Lee Harvey Oswald, had he lived, would have been deprived of all opportunity to receive a fair trial by the conduct of the police and prosecuting officials in Dallas, under pressure from the public and the news media." The ACLU made this statement in a 3,500-word analysis of the civil liberties aspects of the Oswald case, prepared after consultation with the Dallas Civil Liberties Union. The ACLU endorsed the appointment of a presidential commission to investigate the assassination of President John F. Kennedy, though normally the Union said it would oppose any judicial or quasi-judicial inquiry into the facts of a crime "charged against a man now dead. In the extraordinary circumstances of a presidential assassination, however, nothing is normal," said the Union. "The public interest would be served (by) . . . a thorough examination of the treatment accorded Oswald, including his right to counsel, the nature of the interrogation, his physical security while under arrest, and the effect of pre-trial publicity on Oswald's right to a fair trial." The Warren Commission's exhaustive report echoed many of the ACLU's concerns. The Union embarked on an analysis of the major civil liberties

aspects of the Commission's findings, including its proposals for tighter surveillance of suspicious persons.

"Gross departures from constitutional standards," culminating in Oswald's own murder, prompted the lengthy ACLU statement. Not to have detailed the violations of civil liberties that followed the assassination of the President, said the Union, "would betray John F. Kennedy's own devotion to the traditions of freedom that are at the root of American life. . . . If anything useful can emerge from the tragedy of the assassination, we hope that it would impress every local community—including its news media, police and prosecutors—with the importance of self-restraint where publicity in criminal matters is concerned. The primary concern must be focused on the rights of the accused. The administration of our criminal law, like the functioning of our democratic society in general, depends in the last analysis on the intelligent cooperation of all citizens. Without an abiding concern for the preservation of an impartial atmosphere in criminal prosecutions, the deterioration of fairness in criminal prosecutions is inevitable. Even when a crime of such enormity as the President's assassination occurs, law enforcement officials must exercise self-restraint. The news media must themselves accept their share of the responsibility to assure fair trial by curbing their pressure on police and prosecuting officials to publicize the case." The Union conceded a legitimate interest—"most intense in this case—in obtaining information which satisfies the public concern for energetic law enforcement. Failure to satisfy that interest might even have contributed to public unrest," the ACLU declared. "Moreover, it could be argued that public exposure of police conduct will deter improper police practices. Nonetheless, putting these competing interests in the balance, we believe that the paramount interest rests with the defendant's right to a fair trial and that the other interests are adequately served by the orderly disclosure of evidence at trial."

That the police learned from the disaster of Oswald's murder was shown by its handling of Jack Ruby, charged with Oswald's death the Union said. "Official statements . . . to the press were kept to a minimum," noted the ACLU, and Ruby was kept out of sight of the press.

By contrast, police themselves took part in the vast publicity that engulfed Oswald and ultimately took his life. "Under the best of circumstances," said the ACLU, "the enormity of the crime which so inflamed the community, would have made it very difficult to find an unbiased jury." But the actions of police, including their disclosure of each new bit of evidence against the prisoner, "made it simply impossible for Oswald to have received a fair trial on any of the charges against him," the Union said. Thus, Oswald's transfer from the city to the county jail was arranged by police to suit the convenience of the news media and took on the quality of a theatrical production for the benefit of reporters, photographers, and television cameramen. "Due process," the ACLU pointed out, "requires not only that the accused have

a fair trial, but it also requires, of necessity, that no matter how heinous the charge against him, he not be denied his day in court because of gross negligence by the police which results in his death or injury before trial."

Emphasizing that Oswald should have had the right to consult counsel from the moment of his arrest, the Union said that because of limited information it was not possible to determine whether Oswald's right to counsel was protected, or if the police interrogation violated constitutional safeguards. However, the Union listed several questions that needed answers to discover whether due process was denied. Among the questions: "How much time elapsed before he was advised of his right to counsel? How much time elapsed before he was permitted access to a telephone to call his family and an attorney? During what periods and for how long was Oswald interrogated? What methods of interrogation were used? Was he advised of his right to remain silent?" The Dallas Civil Liberties Union sought to determine the answer to such questions soon after Oswald was arrested and visited the city jail, but the affiliate was informed that Oswald had been advised of his right to counsel and had declined to request legal aid.

The ACLU analysis concluded with the hope that bitter emotions stirred by the assassination do not lead to "a political witch-hunt, either of the left or right," with demands for restrictive legislation against organizations and individuals that would impair freedom of speech, press and association. "Fortunately," said the Union, "there seems up to this point to have been a sober reaction in contrast to earlier periods of national distress. We are confident that this atmosphere of reason will contribute to the continuing strength of our free society."

Detentions and Roundups

The ACLU asked the U.S. Supreme Court to rule for the first time on whether there are constitutional limitations on the widespread practice of state law-enforcement officers of holding arrested persons for a long time without arraignment. "One can hardly conceive of conduct which more literally deprives a person of 'liberty without due process of law' than the refusal of state policemen to take a jailed person before a judicial officer for arraignment." The Union's petition for review was made on behalf of John James Holt, who was arrested for drunken driving in Richmond, Va. He was held for nearly nine hours before arraignment although a justice of the peace was nearby. By that time Holt, who was denied bail, also was denied a chance to gather evidence for his defense since Virginia law specifies that evidence to support or refute charges of intoxication is not valid unless taken within three hours after arrest. Holt was convicted by a jury which heard two officers testify that he was drunk and two other persons who said they did not detect signs of intoxication. Unfortunately, the Supreme Court refused to review the Holt case.

Another gross, but unfortunately typical, example of illegal detention prompted the intervention of the ACLU of Washington state in a murder case. Gary Lee Quinlivan of Seattle was arrested for a double murder at about 9 p.m. on December 20, 1963 and questioned from 11:30 p.m. until 5:15 a.m. the following morning. His attorney had been on hand since midnight and finally left at about 3 a.m. after he was rebuffed in several attempts to see his client. Quinlivan had told police he had a lawyer and wanted to consult with him. Finally, he confessed to the crime. The ACLU affiliate argued that the police procedure was a blatant violation of Quinlivan's due process rights under the Fourteenth Amendment, which bars coerced confessions. On the basis of psychiatric evidence presented at the trial and Quinlivan's own actions in court, the trial judge determined Quinlivan was not competent to stand trial. He was committed to a state mental hospital.

Two prisoners who served long prison terms on the basis of confessions that the courts belatedly found coerced were freed as a result of ACLU effort on their behalf. The NYCLU won freedom for William Walker, who served eleven years in Dannemora State Prison on a robbery conviction because a jury accepted as untainted a written confession obtained after about three hours of detention, even though Walker was held for 35 more hours and gave an oral confession to police which the trial judge ruled inadmissible. A 15-year-old battle to free Samuel Tito Williams, sentenced to life imprisonment for a burglary murder after he repudiated his confession was successfully concluded. The ACLU backed Williams in the earlier portions of the case. The confession was obtained after nearly 18 hours of interrogation in relays; after a promise he would be able to see his mother and chaplain only after he confessed; and without being told that he had a right to counsel and could remain silent.

The Greater Philadelphia Branch of the ACLU hailed a federal District Court decision that could have revolutionary impact on police practices. The court ruled that compulsory police line-ups violate the equal protection clause of the Fourteenth Amendment by forcing prisoners who cannot make bail into the line-up, while allowing others to go free on bail.

Active opposition by ACLU affiliates in Washington, D.C. Pittsburgh and Chicago caused the defeat of anti-loitering ordinances, which were attacked for violating constitutional safeguards requiring "probable cause" for suspicion leading to arrest.

Search and Seizure

The U.S. Supreme Court overturned the 1960 robbery conviction of Joseph Lyle Stoner, who was defended by the ACLU of Southern California after police raided his hotel room without a warrant and seized evidence used against him at his trial. Stoner was located by police through a check book containing his name and address in a parking lot

near a food market that had just been robbed. The night clerk of the hotel let the police enter Stoner's room, but that made no difference to the high court. "There is nothing in the record," said the majority opinion, "to indicate that the police had any basis whatsoever to believe that the night clerk had been authorized by the petitioner (Stoner) to permit police to search the petitioner's room." Charging that a federal District Court judge issued a search warrant on insufficient grounds, the Toledo and Northwestern Ohio CLU filed a friend-of-the-court brief in appeal of the conviction of Richard T. Gosser, a vice president of the United Automobile Workers Union. Gosser was charged with conspiracy to steal Internal Revenue Service records about himself. He rebuffed one attempt to search his home without a warrant; agents then returned with a warrant and found the papers they were looking for. But the TCLU argued that the warrant was obtained purely on hearsay evidence and thus violated Gosser's protections against illegal search and seizure under the Fourth Amendment. The U.S. Circuit Court of Appeals has not ruled on the case.

The ACLU of Southern California asked the U.S. Supreme Court to review the convictions for shoplifting of two women who were arrested in a department store dressing room by two female employees "lying on their backs and peering under the partitions into the private dressing rooms of the defendants." However, the high court declined to review the case. A state court upheld the convictions on the grounds that since the search was made by private employees and not police officers, the evidence was legally received.

Following a two-year campaign by the Greater Philadelphia Branch of the ACLU, police sharply reduced the number of "common gambler" arrests. At the height of the harassment police would arrest suspected gamblers on sight and without warrants, in the absence of any evidence that they were committing an illegal act. Despite the strong opposition of bar groups and civil liberties organizations, including the New York CLU, New York State passed "no-knock" and "stop-and-frisk" laws that give police far greater power. The "no-knock" law allows them to enter a building without notice to the occupant if there are grounds for believing that criminal evidence would be destroyed and the investigating officer has obtained a court order authorizing him to do so; the second law permits a policeman to detain a person in a public place and search him when he "reasonably" suspects him of having committed a felony or serious misdemeanor. The New York Civil Liberties Union said the "no-knock" law encroaches on civil liberties "by widening the circumstances under which the historic right to be secure in one's home may be invaded." In addition the law is of dubious constitutionality and reverses the presumption of innocence, the affiliate said. As for the "stop-and-frisk" law, the NYCLU declared that it probably violated the Fourth Amendment's guarantees of reasonable search and seizure and surely violates the Fifth Amendment's protections against self-incrimination,

since the police officer is entitled under the law to "demand" the name and address of the suspect as well as an explanation for his actions.

Brutality

On July 5, 1950, Joseph V. Richichi and a friend were driving a third man to the hospital when a Chicago police officer stopped them and beat them for no apparent reason. Richichi sued the city and won \$40,000 but only in 1964 did he collect—\$52,000 with interest. The state Appellate Court affirmed the verdict, the first time that the city of Chicago must pay substantial damages for the misconduct of its police officers. The policeman who did the beating is still on the force, never even having been reprimanded. The New York Civil Liberties Union demanded an investigation into the slaying by police of alleged cop-killer who was surrounded by police while sleeping in a hotel room and shot to death. Police officials said the man put up a struggle and tried to grab a detective's gun, but the NYCLU expressed reservations about the incident. The Dallas Civil Liberties Union strongly criticized the shooting of two young robbery and burglary suspects by a special squad of young police officers who have just finished their probationary period on the force. Not without reason, it is called the "shotgun squad." The Dallas CLU said the circumstances of the latest shooting suggested that the victims were deprived of their lives without due process of law, since the police department was "trying, convicting and executing robbery and burglary suspects." Its proper function, said the affiliate, is to prevent crime and apprehend suspected offenders. Killing is justifiable "if necessary to carry out these legitimate functions, but we fear that the department is finding necessity where none exists." Another argument raised by police in their own defense, that the killings deter crime, the Dallas CLU termed "barbaric (and) wholly invalid."

Police Review Boards

More than 1,200 off-duty uniformed policemen jammed a New York City Council public hearing on a proposal to set up an impartial police review board. The policemen strenuously opposed such a panel, claiming that it would lower morale on the force; but the very size of the turnout was evidence of mounting public interest in the need for an impartial group to review complaints of persons whose civil liberties were allegedly violated.

Public controversy over police review boards sharpened with the mounting pace of the civil rights struggle, and New York was a dramatic case in point. Yet long before civil rights touched off daily headlines, the ACLU and its affiliates throughout the country pressed the case for police review boards where an aggrieved citizen could receive a fair hearing. With the drive for equality becoming increasingly insistent, ACLU affiliates in several cities launched fresh efforts to establish civilian complaint boards; by and large the campaigns were highly successful in

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focusing public attention on the controversial, significant issue. The proposal for a review board in New York, for example, pushed vigorously by the NYCLU, was referred to a special Council subcommittee. It seemed to have been shelved indefinitely when suddenly Negroes in Harlem and Brooklyn exploded in riot, and public interest was revived. Acknowledging the abrupt change in climate, the Council dispatched a member committee to Philadelphia, where a Police Advisory Board operated since 1958. The Committee interviewed the executive director of the ACLU's Greater Philadelphia Branch at length. The affiliate has been a major source of referrals to Philadelphia's Police Advisory Board, and has assisted aggrieved citizens in preparing complaints. In its fifth annual report, the Board noted its role as "a safety valve in the community. No longer is it necessary for a citizen who has felt himself wronged by police to harbor resentment, or even to spread his hostile feelings . . .," the report declared. "The Board is at his disposal, ready to resolve his problem in a mature and constructive manner." Even the most vigorous proponents of the board—which is under continuous attack from the Fraternal Order of Police—do not claim for it the ability to resolve all problems arising between citizens and the police force, much less to prevent outbreaks of violence such as Philadelphia experienced in August. The "safety valve" provided by the Board is not sufficient, by itself, to relieve the pressures that result from slum housing, job deprivation and ghetto schooling.

The need—and the limits—of a police review board was demonstrated in Rochester, N.Y., for example, where a panel was established last year after several complaints of alleged police brutality. The group received only 21 complaints during its first year of operation and only two allegations were judged within the jurisdiction of the board. Relations with the city police department, which opposed the board, were smooth. Yet in July Rochester also exploded in riot, and among the charges hurled by Negroes was "police brutality." Before the outbreak the board had reported that "the issue of police brutality itself is no longer a major source of tension."

It would seem that the police review boards in Rochester and Philadelphia had enough work on their hands to improve community-police relations without the Federal Bureau of Investigation, but the FBI also entered the controversy with a report on the riots in both cities that sharply criticized the boards. The FBI said that the police in both cities "were virtually paralyzed" by the restraining presence of the review boards in putting down the outbreaks of violence. "This restraint was well known in the community," said the Bureau, "and the rioters were therefore emboldened to resist and completely defy the efforts of the police to restore order." The FBI attack was quickly answered by members of the review boards in Rochester and Philadelphia. The Rev. William H. Gray Jr., executive secretary of Philadelphia's board, called it an over-simplification. The ACLU's Greater Philadelphia Branch pointed out

that according to FBI statistics, the city's crime rate has decreased for the seven years of the review board's existence. Moreover, said the ACLU affiliate, "Not a single responsible officer in Philadelphia said that the work of the board here had anything to do with police activity during the riot."

The obvious fact that a citizens' advisory group is only one of several steps needed to improve police-community relations was underscored in Boston. There, a study by a Brandeis University fellow in civil liberties also called for revision of police recruitment and selection, comprehensive training of officers in human relations, and reforms in police procedures. Negro distrust of police was so widespread, the study reported, that even the creation of a public review board could not erase suspicion of police—no matter how well the board functioned mechanically. ACLU affiliates in Detroit, Syracuse and Washington, D.C. urged local authorities to establish civilian review boards. In Syracuse, the Central New York Chapter of the Upstate New York Division rebuffed the familiar criticism that the board would lower police morale. The Chapter also denied that it would duplicate existing protections, pointing to two incidents in which witnesses to alleged police brutality never received information about the disposition of their complaints. Suggesting two types of police boards, the Union affiliate described alternate jurisdictions such a board might include. One board would be narrowly empowered to investigate complaints and then recommend appropriate action to the Chief of Police and the Mayor. The other would include complaints as well as a wider study of police department procedures, working conditions, recruitment and training. Either type would be acceptable to the ACLU, the affiliate declared. After urging by the National Capital Area CLU to set up an impartial review board, the police department received recommendations from a special committee of its own that went a long way towards meeting the affiliate's complaints. Among the proposed changes were public hearings on complaints conducted by an expanded review board, copies of a police investigation to be furnished to the complainant, and protection for false complaints, unless the false report was made maliciously.

COURT PROCEEDINGS

Right to Counsel

The U.S. Supreme Court imposed new restrictions on the use of confessions in criminal cases where the accused was denied the right to counsel before or during his interrogation. The significant decision was handed down in the case of Danny Escobedo, a Chicagoan, who was arrested on suspicion of murdering his brother-in-law, but released

after his lawyer obtained a writ of habeas corpus. Ten days later, after an alleged accomplice implicated him in the crime, Escobedo was arrested again. This time he was questioned until late at night until he finally confessed. While the interrogation was going on police refused his lawyer the right to consult with his client. In addition, Escobedo was not informed of his right to remain silent. The high court ruled that his right to counsel was violated and his confession was thus void. Raising the same points that had been argued before the court by the Illinois Division of the ACLU as a friend-of-the-court, for Escobedo, the majority opinion declared: "We have learned that a system of criminal law enforcement which comes to depend on the 'confession' will, in the long run, be less reliable and more subject to abuses than a system which depends on extrinsic evidence independently secured by skillful investigation." The ACLU affiliate's brief, based on a survey of police manuals and techniques of questioning, contended that if a suspect is denied counsel during the interrogation almost all the elements of the case are weighed unfairly against him, and at the point where the preparation of his defense should begin.

In another major decision the U.S. Supreme Court left standing a lower court ruling that applied retroactively the high court's 1963 opinion in the *Gideon* case. That decision held that the states must provide counsel to indigent defendants; in its latest action the U.S. Supreme Court affirmed a U.S. Circuit Court of Appeals in New York decision which may apply to many first and multiple offenders now in prison who did not have counsel during their original arrests and imprisonments. They may now be freed.

President Johnson signed into law a bill that substantially aids indigent defendants. It provides up to \$300 for preparing an investigation by court-appointed counsel for indigent defendants in federal criminal trials. In addition, federal District Courts are empowered to compensate court-appointed lawyers in private practice and contribute directly to Legal Aid Societies and Bar Associations to help defray the cost of supplying free counsel in criminal trials.

The ACLU of Northern California tested and won the right of a defendant free on bail to have court-appointed counsel defend him on felony charges. A California District Court of Appeal struck down a municipal court ruling that because the accused could muster bail, he could afford his own counsel and did not qualify as an indigent. The appellate court ordered a new trial—with court-appointed counsel. In other actions by ACLU affiliates, the Arizona CLU was instrumental in the passage of a state public defender law, and the ACLU of Washington state filed a friend-of-the-court brief in a case where a sheriff eavesdropped on a conversation between a lawyer and his client. The affiliate said the eavesdropping violated William F. Cory's right to counsel and due process rights; the Washington state Supreme Court thought so, too, and reversed the conviction for second degree burglary and larceny.

Right to a Fair Hearing

Two landmark decisions by the U.S. Supreme Court extended the Fifth Amendment's privilege against self-incrimination to proceedings in the state courts as well as to federal courts. In one case the defendants had already been granted immunity in state courts but refused to testify on the grounds that they feared subsequent federal prosecution. The high court upheld their argument, which grew out of proceedings of the New York Waterfront Commission. The two men had been granted immunity by New York and New Jersey authorities in an investigation of a waterfront work stoppage. They refused to testify and were held in contempt of court. The high court, however, supported their right to remain silent on the grounds that their testimony might be used in a later federal prosecution. The Court said, in overturning its precedents as late as 1958: "There is no continuing legal vitality to . . . the rule that one jurisdiction within our federal structure may compel a witness to give testimony which could be used to convict him in a crime in another."

In the companion case, supported by the ACLU in a friend-of-the-court brief, the U.S. Supreme Court overturned a 56-year-old precedent which had held that the Fourteenth Amendment did not require the states to recognize a privilege against self-incrimination (although most state constitutions contained such a provision). The majority opinion made the point clearly: "The Fourteenth Amendment secures against states invasion the same privilege that the Fifth Amendment guarantees against federal infringement—the right of a person to remain silent unless he chooses to speak in the unfettered exercise of his own free will." The key decision involved William Malloy, a gambler convicted of betting charges who invoked the privilege against self-incrimination when he later was subpoenaed to testify in the Hartford, Conn. County Superior Court. He refused to testify to some questions (but not all) even after he was told that the statute of limitations had run out on any gambling activities in his case. By reversing Malloy's contempt conviction the high court thus continued a trend extending to citizens in state courts the civil liberties protections of the federal constitution. In a similar vein, the U.S. Supreme Court struck down the long-time New York State practice which allowed a jury to decide whether a defendant's confession was voluntary. The defendant in this case, Nathaniel Jackson, was wounded in a gun duel with police and confessed to killing one officer while under drugs in a hospital. The jury found his confession voluntary and convicted Jackson, but the U.S. Supreme Court held that a judge must decide that a confession is voluntary before letting the jury hear it. Then, along with other "possibly prejudicial matters," the jury could still decline to rely on it if it chose.

A bare majority of the U.S. Supreme Court rejected the demand for a jury trial in a contempt of court case made by former Mississippi Governor Ross Barnett. Barnett was backed by an ACLU friend-of-the-

court brief which argued that it was unfair for the judge to vindicate his own authority by acting "as prosecutor, witness, jury and judge" (*see last year's Annual Report, p. 66*). The majority opinion upheld the judge's right to enforce his own decisions, but gave advocates of a jury trial much of what they sought by saying that the defendants could not be sentenced for a longer term than that for a "petty offense," which means a maximum of a few months in jail. The ACLU welcomed this limitation, and while urging Congress to adopt a broad jury trial guarantee in the then-pending debate on the civil rights bill, the Union said it would support—as a compromise—an amendment which limited criminal contempt of court convictions to punishment not exceeding \$300 or 30 days in jail. The amendment passed.

Testifying before the Senate Subcommittee on Constitutional Rights, the ACLU endorsed three pending bills to widen the rights of persons facing prosecution, but said that two of the proposed laws did not go far enough. One bill provided that no person charged with a crime in federal court should be denied bail because of his financial inability to give bond or collateral security. It would shift the burden of proof on the government to show why the accused should be released on his own personal recognizance. The ACLU shared the philosophy behind the bill, but said there is no reason why the right to be released on one's own recognizance should be limited to indigent defendants. In addition the Union opposed the elimination of a lesser punishment (\$1,000 or a year imprisonment, or both) for failing to appear on a misdemeanor charge or for appearance as a witness. "It seems excessively cruel and harsh and probably unconstitutional," said the Union, "to permit the pyramiding of a disorderly conduct charge in which a \$10 fine would be imposed after a guilty verdict to a \$5,000 fine or 5 years imprisonment or both for failure to appear." Commenting on a second bill that would assure some persons convicted in federal courts that the time they spend in jail will be credited towards their sentence, the ACLU asked the Subcommittee to lift a restriction that allowed such credit to persons who could not make bail. Eliminating the restriction, said the Union, would clarify the rights of juveniles, since not all juveniles in all jurisdictions are currently entitled to bail. It would also benefit individuals who spent time in custody before trial on a non-bailable offense. The Union wholeheartedly backed the third proposal which would implement the constitutional right to bail by permitting persons to make a 10% cash deposit with the court in lieu of providing securities or other collateral fixed to insure their appearance. The proposal followed the pioneering institution of such a system by Illinois courts in January, 1964.

In another matter before the Senate, the ACLU Board of Directors generally endorsed a bill improving procedural safeguards for individuals appearing before federal regulatory agencies. The Union praised the bill for spelling out the limits of an agency in making information public, for insuring a person's right to counsel, and for requiring com-

pulsory initial decision by presiding officers in hearings, thus complying with a 25-year-old U.S. Supreme Court ruling which held that a person who decides a case must hear it. At the same time, the ACLU voiced several reservations about the proposed legislation. Among them were the use of vague and overlapping language such as "national security" and "national defense or foreign policy;" elimination of the right to a hearing involving the "selection or tenure of an officer or employee of the United States;" and language that appeared to make it possible for an agency to demand the submission of all evidence in writing to the exclusion of oral testimony. Although the three bills did not pass, they did help to focus attention on the general problem which Congress will consider in the future.

In two actions concerning an improvement in the administration of justice the ACLU gave its views on proposed amendments to the rules of criminal procedure in U.S. District Courts, and urged the U.S. Attorney General to order Justice Department officials to cease making public disclosures that may endanger an individual's right to a fair trial. Among the ACLU's objections to suggested changes in the rules of criminal procedure were those which required a defendant intending to raise an alibi to give the government advance notice of his claim; reduced the number of peremptory challenges (those without any stated reason) allowed the defendant in choosing a jury; and permitted the use of deposition in lieu of witnesses. At the same time, the Union approved a number of proposed changes in the code. These included pretrial conferences with the court that may eliminate the need for a protracted trial; giving the defendant his entire pre-sentence report, not just a summary of it; and making sure that before the judge accepts a plea of *nolo contendere* ("no contest") he makes sure that the defendant actually committed the crime.

As for pretrial publicity fomented by the Justice Department, the issue arose when FBI director J. Edgar Hoover disclosed the prior criminal records of the men arrested and later convicted for the kidnapping of Frank Sinatra, Jr. The Union labelled Hoover's disclosures as "extraordinarily damaging" to the defendant's right to an impartial trial. In a move that may go far towards eliminating such infractions of civil liberties by Justice Department officials, Attorney General Robert F. Kennedy announced just before he resigned his office that he had created a watchdog unit within the Department to make sure that civil liberties principles are observed. In creating the unit Kennedy noted "the wide and widening gulf between law enforcement officials on the one side and other legal figures concerned with the rights of the individual on the other." In one such conflict, the U.S. Supreme Court agreed with the ACLU and ordered the FBI to give a Pennsylvania man the testimony of two witnesses to a common traffic accident. In another, a U.S. Circuit Court of Appeals in New York refused to make retroactive the U.S. Supreme Court ruling in 1961 that barred states courts

from using illegally seized evidence.

The ACLU appealed to the U.S. Circuit Court of Appeals in San Francisco on behalf of Madeline Colliflower, a member of the Gros Ventre Indian tribe in Montana who had been convicted by a tribal court of failing to remove her cattle from land leased by someone else. The Union said there was no evidence introduced at the trial, no witnesses called, and a display of "unbridled caprice" by the presiding magistrate. It added up to a "shocking denial" of due process, the Union brief declared. In another appeal to the U.S. Supreme Court, the ACLU came to the defense of Gerald Pate, an Oklahoman convicted of murder on the basis of a confession that was coerced by holding Pate's mother and twin 16-year-old brothers in custody until he talked; this appeal failed and another was taken to the high court on the ground that Pate's right to a fair trial was hurt by prejudicial pre-trial publicity.

In actions by ACLU affiliates:

¶ The St. Louis Civil Liberties Committee appealed to the U.S. Supreme Court on behalf of a Death Row rapist who refused a change of venue despite inflamed community feeling.

¶ The Illinois Division was happy to receive the thanks of a convicted murder who served 35 years and then was freed because the trial record was incomplete, among other due process violations.

¶ The Rhode Island Supreme Court upheld the state ACLU in a friend-of-the-court brief which argued that criminal sanctions were unlawfully imposed on a man charged with violating the verbal order of the Family Court and charged with contempt.

¶ The ACLU of Washington state praised Governor Albert D. Rosellini for refusing extradition to an escaped Georgia Negro who claimed that relatives of a man he allegedly killed in a robbery sat on the jury that convicted him in a trial that lasted less than a day.

¶ The Greater Philadelphia Branch won an important reform in allowing prompt hearings on all bench warrants instead of occasional imprisonment of persons called as witnesses.

Juveniles

The Greater Philadelphia Branch of the ACLU launched an attack on the city's "Youth Referral Program" as illegal and of dubious practical value. The object of the program is helping juveniles who are in trouble with the police, but who are not formally charged with a crime. In fact, the Union affiliate said, parents of many children are offered "help" by neighborhood youth aid committees when their children are blameless and have been picked up by police mistakenly. The National Capital Area CLU and the Iowa Civil Liberties Union protested the transfer of juveniles from reformatories to penal institutions, even though the boys are not criminals and have not been convicted of crimes. The Kentucky CLU, with the co-sponsorship of the state bar association, pressed for reform of juvenile court statutes, especially as applied to

16-18 year-olds. The affiliate urged that the Juvenile Court be required to state within ten days whether it will keep a child within its jurisdiction or turn him over to the Circuit Court. The KCLU also proposed that all information obtained by the Juvenile Court may not be used by any other court without the consent of the child's parent, guardian or attorney. The Maryland Court of Appeals reversed a lower court ruling which sentenced two teenagers to a correctional institution for taking part in a civil rights demonstration. The state's highest court said the sentence was a "misuse of the Juvenile Court function to punish students for participating in demonstrations." The pair, both 15 years old, had been sentenced to indeterminate terms in a state institution as juvenile delinquents. They could have remained there until they reached the age of 21. The court declared that the indeterminate sentencing was an error; it also said that the lower court failed to observe ordinary rules of evidence and procedure, which apply "in civil as well as criminal cases."

News Media

The Cleveland Civil Liberties Union charged that press and broadcast media abused their First Amendment protections of a free press in reporting the case of a city councilman accused of bribery. The group said the reporters made a fair trial impossible. The Cleveland incident was typical of several instances in which the over-zealous pursuit of "news" infringed on an individual's right to a fair trial. The most glaring example of such an invasion was the reporting of newspapers and television stations that followed the assassination of President Kennedy in November, 1963. Yet news media shared the blame with lawyers, who openly tried their cases before the public in advance of a trial. Taking note of the deplorable situation, the American Bar Association heard a suggestion to amend its Canon of Ethics to forbid prosecutors or defense attorneys from making any public statements about the guilt or innocence of the accused, or the weight of evidence for or against him. The ABA took no action on the proposal but embarked on a review of its entire Canon of Ethics. The judicial section of the State Bar of Texas liberalized the coverage of trials by photographers and broadcasters. The judicial section, which includes all state judges, left it up to the discretion of the trial judge whether to permit photographers, radio and television reporters into the courtroom. Canon 35 of the ABA prohibits such activity. In Los Angeles, cameras and microphones were barred from all parts of the U.S. District Court building. The Appellate Division of the N.Y. State Supreme Court ordered a similar ban in Bronx and Manhattan court-houses but exempted pictures taken in the pressroom of the buildings. The New Mexico Civil Liberties Union supported the appeal of Will Harrison from his conviction of criminal contempt based on his newspaper column comments on a pending case. The affiliate filed a friend-of-the-court brief arguing that Harrison's First Amendment rights were violated.

EQUALITY BEFORE THE LAW

The legislative branch moved toward its responsibility to give Negro citizens their constitutional guarantees when Congress passed the broadest civil rights bill in 100 years. The national civil rights consensus, which established the base for this overdue legislative action, was built on years of struggle by the Negro community and their white allies to end second-class citizenship. The long-range hopes placed in the new law did not mean an immediate end to discrimination and segregation. Harassment, intimidation and physical beating of Negroes and civil rights workers continued, which pointed up a glaring lack in the bill: the need to improve the federal civil rights law by strengthening provisions barring police brutality or other official misconduct.

Although the United States Supreme Court continued to overthrow local court decisions upholding segregation, last-ditch opposition in many southern states required a case-by-case attack on the fortress of discrimination, particularly in rape and murder cases where inadequate counsel, discriminatory jury selection, and coerced confessions starkly revealed the unequal treatment.

One growing obstacle to assuring Negro defendants a fair trial — the lack of adequate counsel — was the open harassment of civil rights lawyers working in the South through contempt-of-court charges and arrest under blatantly unconstitutional state anti-subversion laws. One positive sign, however, was the increased willingness of lawyers outside the South to spend time in the region defending civil rights workers against a variety of lower crimes trumped up by police authorities trying to discourage integration.

A more subtle pattern of racial discrimination was the existence of de facto school segregation resulting from segregated housing practices, especially in northern urban industrial centers. The progress scored in recent years against discriminatory housing was set back by California voters, who approved an amendment to the state constitution that in effect barred any present or future legislative action banning discrimination in housing. The drive was part of a national effort by the National Real Estate Association to thwart legislative action by resort to popular referenda. Several major cities withdrew anti-bias housing ordinances, emphasizing the tremendous educational work still needed to win the acceptance of non-discriminatory housing.

THE FEDERAL SCENE

Congress

On the 83rd day of debate, nine days after a cloture vote ended a massive filibuster, the U.S. Senate passed the Civil Rights Act of 1964. The ACLU, along with other major civil rights organizations, mustered all its strength to push for passage of the bill. Through its affiliates and members throughout the country, the Union informed local communities of the urgent need for legislation that would recognize the historic legitimate grievances of Negro citizens.

The most sweeping civil rights measure since Reconstruction prohibits discrimination in places of public accommodation, publicly owned facilities, employment and union membership and federally aided programs. It gives the Attorney General power to initiate suits to end discrimination under the law, but only if he certifies that the case is of "general public importance." He also has additional new powers to speed school desegregation and to enforce voting rights, including a rebuttable presumption of literacy if the voting applicant has completed a sixth-grade education. Partly at the urging of the ACLU the Senate eliminated a clause in the law exempting atheists from its protection. Another clause opposed by the Union remained in the Act, however. The clause denied the law's protection to Communists and other "subversives."

As President Johnson signed the Civil Rights Act, he urged all Americans to help "eliminate the last vestige of injustice" by observing the law. "Let us close the springs of racial poison," he said. The hope was far from reality. Three young civil rights workers were slain in Mississippi; a Negro educator from Washington, D.C. was killed, allegedly by Ku Klux Klansmen, while driving his automobile in Georgia. They were later acquitted in a state court. An Atlanta restaurant owner turned away three Negroes, shouting "You're dirty Communists and you'll never get a piece of fried chicken here." Yet despite the brutality, violence and defiance, sections of the deep South were willing to comply with the law, at least initially. In general, compliance was more widespread in states with higher white populations (Virginia, Tennessee, North Carolina, Florida and Texas) than in states with higher Negro populations (South Carolina, Georgia, Arkansas, Louisiana, Alabama and Mississippi). Even in Jackson, Miss., the state capitol and headquarters of the powerful White Citizens Council, the Mayor and the city's businessmen put on a rare show of moderation and decided not to discourage integration of most of the city's hotels, restaurants and motels without a court test of the Civil Rights Act. After two lower three-judge federal courts disagreed on

the constitutionality of the public accommodations provisions of the Act, upholding it in the case of an Atlanta motel but suspending it in the case of a Birmingham restaurant, the U.S. Supreme Court agreed to hear both cases in a special early argument session.

In the midst of the Senate filibuster over the Civil Rights Act the ACLU urged 46 Senators who had voted for an end to Senate debate in 1962 on the communications satellite bill to support cloture on the civil rights act. "If a filibuster on a communications satellite bill was wrong in 1962," the Union said in letters to the Senators, "a filibuster on the civil rights bill of 1964 is at least equally wrong. The issue of civil rights, of guaranteeing to members of our nation's minorities the equality of rights to which our nation has been historically dedicated is the central issue of our day. The time has come to face up to this constitutional and moral challenge. To show that the Senate cannot and will not be barred from answering that challenge, we urge that you repeat your support of the principle of cloture and work actively with other Senators to allow the Senate to vote on the desperately needed civil rights bill." The Union said that while debate on legislation is necessary and desirable to clarify the issues, the civil rights filibuster was designed only to block Senate action. "No longer will (the debate) be an exercise in freedom of speech, but . . . an open effort to thwart legislative decision-making."

While the ACLU hailed the Civil Rights Act, it noted the absence of any attempt to deal with the glaring problem of physical attacks on civil rights workers, often made by police officials. The lack was underscored in an urgent plea to the Justice Department by the Union for federal protection for civil rights demonstrators in the South. The plea, made several weeks before two white civil rights volunteers and a Negro co-worker were murdered outside Philadelphia, Miss., urged "serious consideration to the use of federal marshals to protect those persons who seek to exercise their rights of free speech, press and assembly." Especially in Mississippi, the Union said, a federal presence is "crucially called for." The ACLU pointed out that in many states of the deep South, the refusal to grant protection to Negroes and others who protest racial discrimination is "entrenched in the institution of government at all levels." Therefore, the Union called for increased enforcement of federal statutes which would enable persons deprived of their civil rights by hostile police or other public officials to prosecute such officials.

The ACLU and other civil liberties organizations showed growing concern about test situations that might arise when participants in the civil rights movement make additional direct challenges to community patterns of segregation. One result of the concern was the formation, under ACLU leadership, of the Lawyers Constitutional Defense Committee which recruited 130 practicing attorneys to help local lawyers in the South protect civil rights workers. They attempted to lay the foundations for appeals to the U.S. Supreme Court from adverse rulings by state and

local courts. Another evidence of ACLU concern was the Union's continuing pressure for improving Section 242 (Section 18) of the U.S. Criminal Code in order to allow citizens to take legal action against police brutality or other official misdeeds. Currently, a person who is mistreated by police must prove that the official had specific intent to deprive him of a specific constitutional right. The question of mistreatment from hatred, malice or other motives is not considered relevant. The ACLU had suggested in congressional testimony in 1963 that the statute be amended so that the simple performance of several specific acts of violence or mistreatment could be considered sufficient grounds for prosecution. The Union thus sought to counter the arguments of Justice Department officials, who had argued that this section of the Code was virtually unenforceable because of the inability to prove intent on the part of Southern police officials. The Union replied by noting that even though convictions under the present law are hard to get, "we will continue to believe that it is important to expose the nation to the fact that in some communities in the United States, it is impossible to obtain convictions for the most flagrant violations of the law."

The Courts

The U.S. Supreme Court reversed the convictions of 42 sit-in demonstrators in Florida, Maryland and South Carolina, but sidestepped the key issue of whether the Court believes that the Fourteenth Amendment prevents private property owners from carrying on discriminatory practices. For the time being, the Court left that question to the Congress, which gave a partial answer in the public accommodations section of the Civil Rights Act. Though the decision was made on narrow procedural grounds, six members of the tribunal divided equally in discussing the constitutional aspects of the sit-ins. Justice Hugo L. Black, speaking for three Justices, said that the Fourteenth Amendment of itself "does not compel either a black man or a white man running his own private business to trade with anyone against his will." Section 1 of the Fourteenth Amendment, he said, "Does not destroy what has until very recently been universally recognized in this country as the unchallenged right of a man who owns a business to run the business in his own way so long as some valid regulatory statute does not tell him to do otherwise." Justice Arthur J. Goldberg criticised this view. Speaking for three colleagues, he said: "The dissent argues that the Constitution permits American citizens to be denied to places of public accommodation solely because of their race or color." The Constitution is "color blind," Justice Goldberg declared. "The denial of the constitutional right of Negroes to access to places of public accommodation would perpetuate a caste system in the United States."

Striking down one historic example of the caste system, the high court in another decision set aside the Alabama contempt conviction of Mary Hamilton, a Negro who refused to answer at a trial when addressed,

according to long custom in the South, by her first name. In other significant decisions, the U.S. Supreme Court voided a Louisiana law requiring racial labels for candidates on the ballot; reversed the Alabama Supreme Court, which had thrown out an appeal by integrationist minister Fred L. Shuttlesworth because he allegedly filed it on the wrong size paper; and reversed the Alabama Supreme Court a second time in a case where an appeal by the NAACP was denied because its brief did not follow a form approved by the state court. The latter high court decision finally ended eight years of legal harassment of the NAACP by the State of Alabama and its courts.

A U.S. Circuit Court of Appeals refused to rule on the constitutionality of a Danville, Va. ordinance that regulated protests and picketing so strictly that the ACLU declared the law to be an invasion of the due process and equal protection provisions of the Fourteenth Amendment. Rejecting the arguments raised by an ACLU friend-of-the-court brief, the appeals court sent 105 cases of arrest under the ordinance back to state courts for trial. At the same time, the court warned civil rights demonstrators that the rights of free speech and assembly were "not a license to trample on the rights of others." A three-judge federal court in Georgia ruled that the state insurrection law was unconstitutional, as was the Georgia law barring unlawful assembly. The decision halted the prosecution of four civil rights workers who had been arrested under the two laws. It was the first time that a federal court enjoined proceedings in a state court at the request of private persons; the federal panel acted under the Civil Rights Act of 1870 and an amendment to the Civil Rights Act of 1957. In another major decision, a U.S. Circuit Court of Appeals held unconstitutional the separate-but-equal provisions of the Hill-Burton federal hospital construction act.

The Union challenged the systematic exclusion of Negroes from jury service in three different counties in Mississippi. Two of the defendants, William Smith, Jr. and George A. Gordon, were sentenced to death for raping white women. The third defendant, William Harper, was sentenced to life imprisonment for attempted rape of a white woman. Though the practice of keeping Negroes from jury service throughout the state was the principal issue in each case, the persistent abuse of Negro defendants in Mississippi was demonstrated by other violations of due process common to the three cases, including the denial of counsel and coerced confessions. The Smith and Gordon cases are pending before the federal District Court in Mississippi on habeas corpus proceedings. Harper's case was argued before the Mississippi Supreme Court. Decisions are pending.

Women's Rights

The ACLU pledged its full support to legal challenges that would assure equal rights for women. "Rights for everybody certainly should include rights for women," said the Union. "We have long held that the

Fifth and Fourteenth Amendments, with their breadth and sweep of phrase, were the fitting instruments for women's protection in defense of their rights." Furthermore, added the Union, no other amendment to the Constitution is necessary to secure equality for women. The Union endorsed a report of the Presidential Commission on the Status of Women, which pointed out that many states do not give women full equality. The ACLU said that while it does not oppose legislation classifying persons into different categories, "so long as the classification has some reasonable basis in fact, there would appear to be no place whatsoever for differential legislation where no good reason exists for it and the category in question is actually disadvantaged by it. This is as true of women," said the Union, "classified *qua* women as it is of groups classified and discriminated against on grounds of race or color."

Job Discrimination

A report to the U.S. Civil Rights Commission said that most Negroes are still restricted to lower echelon federal jobs. While the percentage of Negroes who live in the Washington D.C. area approximates the percentage of Negroes on the local federal payroll—about 24%—only 1.3% of workers in grades 12 through 18 are Negroes, the report declared, adding, "We are paying the high cost of past discriminatory practices in training, employment, housing and other areas."

STATE AND LOCAL ACTION

Climaxing a six-month review of the ACLU's increasingly active role in the South, the Union decided that its work could be best advanced by opening a Southern Regional Office in Atlanta. While the struggle for civil rights is the chief issue in the South, the new ACLU office will also press legal challenges in the traditional areas of censorship, academic freedom, church-state separation, and due process problems surrounding the rights and fair trial of criminal defendants. The first director is Charles Morgan, Jr., a Birmingham attorney who left that city after condemning the bombing of a Negro church in which four children were killed, and who also handled the plaintiff's case for ending the malapportionment of the Alabama legislature which resulted in the U.S. Supreme Court's "one man, one vote" decision. Announcing the opening of the new office, ACLU executive director John de J. Pemberton, Jr. said that Morgan's chief assignment will be to "facilitate and coordinate legal work in local communities by enlisting the cooperation of local attorneys. Where this is not possible," he said, Morgan "will directly participate in civil liberties litigation." As in other parts of the country where the ACLU is active, the Atlanta Regional Office will also conduct educational

activity and make known its constitutional concerns over state and local legislation. In the South these concerns most often result from the civil rights struggle, Pemberton said. Among such examples are the exclusion of Negroes from juries, the difficulty in finding competent local counsel to defend Negroes, economic and social harassment of the few courageous Negro and white attorneys who are willing to defend Negro clients, bans against peaceful demonstrations and distribution of literature. "In these and similar cases," promised Pemberton, the Union "will strive to uphold the fundamentals of our American system . . . To the degree that we succeed, we will strengthen the basic fabric of our democracy."

Demonstrations

While the New York Civil Liberties Union supported the right of four young women peacefully to protest against racial discrimination by picketing inside the grounds of the World's Fair, the Union opposed an automobile stall-in to block traffic approaching the Fair as a violation of "the legal protections of the public's right to movement (which) thereby exceeds the limits of constitutional guarantees." The ACLU position on the stall-in was in line with its policy that physical obstructions to free public access do not merit civil liberties protections, set forth in a 1963 pamphlet *How Americans Protest* (see last year's *Annual Report*, p. 71). The pamphlet also emphasized, however, that such disorders are the result of pervasive discrimination that public officials and the public itself have done little to combat. Commenting on the stall-in the ACLU reiterated the need for swift, bold action to remove the bias that prompted such forms of protest. In a joint statement to New York City Mayor Robert Wagner the ACLU and the NYCLU declared that "criticism of stall-ins is no substitute for affirmative action by the municipal government which will prove to Negro citizens that their government not only recognizes the problem of racial discrimination and segregation, but is moving along a broad front to eliminate the conditions which create the human frustrations that lead to radical forms of protest. The dominant forces in our community, and especially its elected officials," the Union said, "cannot escape responsibility for harsh events by pointing an accusing finger at the lawless acts of Negroes and their supporters. They must understand that if lawlessness occurs, it is a direct consequence of the failure of the community, and especially its white majority, to implement the laws of the land, the laws of human decency and the laws of social experience. Public officials must recognize the simple truth that men who have been brutalized by their society will not always act in a peaceful fashion; men who feel they have little at stake in their society will not always act conservatively for they have little to lose."

The ACLU warning proved tragically prophetic. The massive World's Fair stall-in failed to materialize, but a few months later the nation was stunned by a wave of Negro rioting that began in Harlem and Brooklyn, N.Y. and quickly spread to Philadelphia, Rochester, Jersey City, Patter-

son, and a suburb of Chicago. Negro leaders deplored the violence, marked by looting and hoodlumism.

Unlike the summer of 1963, when police clashed with massive Negro protest marchers in Birmingham, Danville, Va. and Cambridge, Md. the summer of 1964 was relatively peaceful on the streets of major Southern cities. The big exception was Florida, where repeated bloody clashes between Negroes and segregationists in St. Augustine finally ended in an uneasy truce with the formation of a biracial citizens committee. In Jacksonville, also the scene of racial rioting, the Florida CLU blamed the outbreaks on the failure of the Mayor and the city administration to show "any positive leadership on solving the problems of race relations." The affiliate sharply attacked the city's ban on demonstrations "as an affront to the First and Fourteenth Amendments" protections of free speech and peaceful assembly, and offered to defend the rights of all citizens to express themselves against racial injustice in the community. Ten clergymen arrested in Tallahassee during a June, 1961 airport restaurant sit-in were ordered to begin serving 30-day jail terms. The clergymen were defended by the Florida CLU, which took an appeal to the U.S. Supreme Court where the Court said that the ten defendants had not exhausted all avenues of redress at lower court levels. No further action was taken in view of the fact that the new Civil Rights Act guaranteed the right of public accomodation.

Ten Freedom Walkers who set out to follow the path of William Moore, slain Baltimore mailman (*see last year's Annual Report, p. 80*), were acquitted by the Alabama Supreme Court of disorderly conduct. Reversing the conviction, the court said that the trial did not "sufficiently show the commission of any offense."

ACLU affiliates in the North also were active in defense of peaceful civil rights demonstrators. The Greater Philadelphia Branch and the ACLU of Northern California secured lower bail for demonstrators arrested in Chester and San Francisco, respectively. The National Capital Area CLU will appeal a restraining order barring picketing against a hotel manager accused of being a slum landlord.

Legal Harassment

The ACLU urged Attorney General Robert F. Kennedy to intervene on behalf of three white civil rights lawyers in the South who faced trial in Tallahassee, Fla. and New Orleans. The Union charged that the trials are "reprisals for their acting as counsel in civil rights cases" and reminded the Attorney General of Justice Department statements urging southern lawyers to defend unpopular clients, especially persons arrested for taking part in racial protests. The ACLU appeal concerned Tobias Simon, a Miami attorney and general counsel of the Florida CLU, who was tried on contempt of court charges; and Benjamin E. Smith and Bruce Waltzer, New Orleans lawyers active with the Louisiana CLU, who were criminally indicted after a police raid for allegedly violating the state's Subversive

Activities Control Act (*see p. 57*) in connection with their work for the Southern Conference Educational Fund. In both cases, said the Union, the reprisal trials demand that the Attorney General intervene officially and speak out personally. Simon has appeared for the Florida CLU in the Tallahassee Municipal Court in a dozen cases involving hundreds of civil rights demonstrators. He was charged with contempt on the completely unfounded charge of failing to appear on behalf of a young girl arrested in such a protest. Defended by former Florida Governor Fuller Warren, Simon was freed when the contempt charge was dismissed at his trial. Smith and Waltzer are members of the Louisiana Civil Liberties Union's Legal Committee, whose members have taken part in a large number of trials involving the exclusion of Negroes from juries, lack of effective counsel, and desegregation of hotels and court room lavatory facilities. Striking hard at the raids that resulted in their criminal indictments, the ACLU told Kennedy that the Union had no doubt that the Louisiana Subversive Activities Control Act was an unconstitutional violation of free speech and association. "We vigorously condemn this effort by the Louisiana Un-American Activities Committee to impose new restrictions of First Amendment guarantees by their sensational and fully-publicized raids," the Union declared. "The effects of those raids can only be to intimidate those currently engaged in anti-discrimination work and to warn others who wish to join the campaign that they may be publicly exposed. This can only put shackles on the right to dissent from prevailing opinion in Louisiana." The ACLU also asked the Attorney General to bring the issue to the attention of the American Bar Association's recently organized civil rights committee and the Lawyers' Committee for Civil Rights Under Law, created in the summer of 1963 following a meeting between John F. Kennedy and the nation's leading lawyers.

A U.S. Circuit Court of Appeals told a federal District Court to reconsider a complaint against investigatory abuses by a Virginia legislative committee. The case, supported by the ACLU, grew out of complaints by three Norfolk attorneys that the committee had repeatedly invaded their constitutional rights and had been created solely to discourage anti-segregation groups "from using the courts as a means of ending the practices of racial segregation." The federal District Court had dismissed the complaint, partly on the grounds that it could not stop a state legislative committee from performing duties that the state's highest court had said were constitutional. But the appellate court rejected the argument, saying: "The extent to which the state through its legislative power may intrude upon a citizen's right becomes a matter for the consideration of the federal courts when such conduct invades the citizen's constitutional privileges."

Other Cases

A conviction for contempt against two officials of the segregationist National States Rights Party for violating an injunction was unanimously

set aside by the U.S. Supreme Court. The ACLU had urged the court to make clear that *ex parte* temporary injunctions—those granted when only one side has had a hearing—may not be used to curb free speech and association. The Court, however, ruled on the narrower ground that there was no evidence to support the lower courts' finding that the men had violated the injunction. The two officials of the National States Rights Party, Edward R. Fields and Robert Lyons, had distributed handbills announcing a meeting in Fairfield, Ala. (*see last year's Annual Report, p. 81*). Local ordinances, which the ACLU said were "unconstitutional on their face," prohibit the distribution of handbills and require the permission of the Mayor to hold a meeting. Fields and Lyon went to the announced meeting place to say that the meeting had been transferred to another town; at the same time they distributed copies of the party newspaper. For that they were arrested and convicted, and the decision was upheld by the Alabama Supreme Court.

Georgia Governor Carl Sanders promised the ACLU to investigate the alleged slaying of Willie Floyd, a 72-year-old Detroit Negro, by the Smithville, Ga. police chief. According to Floyd's son, the man left to visit his two daughters living near Smithville but within five minutes after he arrived in town by bus he was shot and killed by the police chief, the only officer in town. According to an investigation by the Georgia Bureau of Investigation, Floyd attacked the policeman, who then allegedly acted in self-defense by shooting him dead with a single shot. While the Union expressed its thanks to Governor Saunders for sending a copy of the state agency's report, the ACLU was far from convinced by the explanation it offered. The Union commented in a letter to the Governor: "The behavior attributed to a 72-year-old Negro man, alone except for the victim of his alleged assault and a friend of that victim nearby, seems incredible."

In other actions:

¶ The Louisiana Civil Liberties union intervened in a number of cases involving the civil rights of Negroes in court proceedings. The affiliate was concerned over the exclusion of Negroes from juries in rural areas and their inclusion in token numbers in cities, circumstances under which the U.S. Supreme Court has ordered new trials and reversed convictions. The LCLU also handled 15 non-capital cases on the grounds that the defendant was without effective counsel, or without counsel entirely.

¶ In two actions, the National Capital Area Civil Liberties Union investigated charges that inmates of the Lorton reformatory were segregated by race, and defended an interracial couple convicted under Virginia's anti-miscegenation law.

¶ The Metropolitan Detroit Branch of the ACLU of Michigan supported a suit against the Mayor of Dearborn and several top police officers accused of withholding police protection from a Dearborn resident menaced by a mob during a racial clash. At the same time, the affiliate filed a \$250,000 damage suit on behalf of Giuseppe Stanzione, a self-employed

cement contractor, who charged that city police "motivated solely by racial prejudice" refused to give him protection when a riot developed outside his home. The angry crowd erroneously thought Stanzione had sold his home to a Negro family. While police looked on the crowd assaulted him, threw eggs and bricks at his house, and poured sugar in the gas tank of his car.

GENERAL DEVELOPMENTS

Education

Ending five years of legal maneuver, the U.S. Supreme Court held unanimously that Prince Edward County, Va. must reopen its public schools. The high court ruled that closing the schools since 1959 to avoid desegregation violated the constitutional rights of Negro children, while other schools remained open elsewhere in Virginia. "There has been entirely too much deliberation and not enough speed," said the Court's opinion. On the same day, the high court ruled that Atlanta's grade-a-year desegregation was too slow. In an unsigned opinion the tribunal sent the complaints by Negroes back to the federal District Court for further hearings. Both decisions served notice that time was running out for "legal" opposition to the 1954 desegregation decision. In Prince Edward County, however, officials still sought ways to nullify the latest ruling. They authorized tuition payments to white parents sending their children to private academies, cut the school budget by \$100,000, and hired only Negro teachers as the staff of the schools to be reopened.

Such tactics made plain why ten years after the U.S. Supreme Court banned segregation in public schools, only less than 2% of the Negro pupils in the Deep South were sitting along side white classmates. Still, token desegregation proceeded. Mississippi, the last holdout, enrolled 43 Negro first-graders in previously all-white Jackson schools. Police barred the way to everyone but parents, children and teachers, thus insuring that there was no violence. Desegregation also inched forward in Alabama. There, a three-judge federal court ordered Governor George C. Wallace and the State Board of Education to refrain from interfering with court orders against school segregation, told them to "promote and encourage" integration in the schools, and prohibited the payment of state funds to pupils attending private segregated schools rather than integrated public facilities. Time—and the federal courts—seemed to weaken the South's violent resistance to the U.S. Supreme Court order. With the token breakthrough in Mississippi, every Southern state now has at least some biracial classes in public schools, public colleges and universities. The change in climate was apparent in two state universities, for example. At the University of Alabama, where in 1963 Governor Wallace forced a show-

down with the federal government over the admission of two Negro students, three Negro women enrolled and attended classes with hardly a glance from other students. It was the same at the University of Mississippi, where a Negro enrolled peacefully two years after the admission of James Meredith touched off a bitter riot that left two persons dead and scores injured.

Up North, the battle for equality in the schools revolved around the issue of *de facto* segregation resulting from segregated housing patterns and its effect on neighborhood schools. Though the ACLU maintains that local school boards are obliged under the equal protection clause of the Fourteenth Amendment to take affirmative action to end *de facto* segregation (see last year's *Annual Report*, p. 83), the legal issue is far from settled. The U.S. Supreme Court left the matter open for the time being, indicating by two actions that local school boards have wide discretion in dealing with the issue. The Court left standing a Court of Appeals decisions that the Gary, Ind. school board has no constitutional duty to end segregation caused by housing patterns. Subsequently, the high court left standing a decision by the highest court in New York State, which upheld the New York City Board of Education's effort to achieve a better racial balance, among other aims, by administrative rulings that changed the school population. In California and New Jersey the courts upheld the attempt by local school boards to promote integration by rezoning and other means. ACLU affiliates endorsed these court decisions and took other steps to further integration in the schools. The Massachusetts CLU supported a school boycott as a "legitimate protest against a serious social evil and squarely within the tradition of the Bill of Rights." The affiliate pointed out that despite repeated attempts to discuss the matter of *de facto* segregated schools, officials did not even agree that the issue exists. "Under these circumstances," explained the Massachusetts CLU, "resort to a stayout becomes a reluctant but legitimate attempt to emphasize the importance and the urgency of . . . school segregation . . . Parents who accept the proposal to keep their children out of school on that day, and the children themselves, in our judgment, will be acting properly within the tradition of peaceful and responsible protest which is protected—indeed encouraged—by the Bill of Rights." The ACLU of Oregon investigated *de facto* segregation in Portland and recommended strongly that steps be taken to eliminate the imbalance.

A month-long study prepared for the Greater Philadelphia Branch of the ACLU found overwhelming evidence of police brutality in putting down school segregation demonstrators in Chester, Pa. Local and state police investigations into their own conduct had previously exonerated them of brutality, but after following up more than 50 complaints University of Pennsylvania associate professor of law Paul Bender contradicted the whitewash in a 26-page report. It included interviews, hospital reports, newspaper accounts, and photographs showing that Chester police had, in fact, brutally beaten racial demonstrators on several oc-

casions. Another case of apparently reprehensible police activity took place in Cleveland. The Cleveland CLU demanded a prompt investigation of what appeared to be police discrimination in permitting mobs to attack demonstrating integrationists.

Housing

Fair housing legislation was buffeted by two conflicting trends. Referendums in several cities and states tried to nullify fair housing laws, and in some places succeeded. At the same time, a number of cities were added to the growing list of places with non-discriminatory housing statutes. Nation-wide interest focussed on California where voters approved a state constitutional amendment that nullified an existing fair housing law and barred any future local or state legislation against discrimination in housing. ACLU affiliates in northern and southern California played a key role in mobilizing minority groups and the general public against Proposition 14, which was proposed by the state Real Estate Association. Local chapters of the ACLU of Southern California actively aided a registration drive of voters opposed to the proposal. An ACLU Arts Division was formed in Los Angeles composed of prominent entertainers to raise funds and appear at community rallies. Likewise, the ACLU of Northern California recruited 100 volunteers to aid the state-wide committee for the defeat of Proposition 14. The amendment would repeal the Rumford Act and all other state fair housing laws by declaring that the state cannot deny any person the right "to decline, to sell, lease or rent" his property to persons "as he, in his absolute discretion, chooses." Opponents of the Proposition challenged its constitutionality under the equal protection clause of the Fourteenth Amendment. Moreover, they argued that limitations already exist on an individual's right to do what he wishes with his property in the form of zoning regulations, building codes and other restrictions. Most important, passage of the Proposition would implant bigotry and discrimination in the state constitution and it would require another constitutional amendment to excise it. A similar state-wide movement to upset a fair housing law was underway in Illinois.

In major cities, Akron, Detroit, Tacoma and Seattle, Washington toppled fair housing laws in popular referendums. However, a lower court ruling upheld the Washington state Attorney General, who held that the state public accommodations law applied to the operations of real estate offices. In other legal tests, the Colorado Supreme Court upheld the constitutionality of the state fair housing law, but left the enforcement powers of the commission in doubt. The Colorado Branch of the ACLU filed a friend-of-the-court brief in support of the law. Local ordinances were upheld in Pittsburgh, Toledo and Oberlin, Ohio. More and more cities, meanwhile, approved fair housing ordinances. They included Madison, St. Louis, East St. Louis, Des Moines, Grand Rapids, Beloit, Peoria and Washington, D.C. The last was no small achievement considering the

bitter opposition of southerners in Congress who control the House District Committee. Wichita, Buffalo and University City, Mo. passed anti-zlock-busting laws. The St. Louis CLU opposed the measure, however, on the grounds that it infringed on constitutionally protected guarantees of free speech under the First and Fourteenth Amendments.

The National Committee Against Discrimination in Housing, of which the ACLU is a member organization, reported a disappointing first year under a Presidential executive order barring discrimination in federally aided housing. The effect of the order was negligible, said the Committee, because of its limited scope, narrow interpretation, inadequate information program and slow enforcement. A staff report to the U.S. Commission on Civil Rights said that off-base housing discrimination places a severe strain on the morale and efficiency of Negro servicemen. Although the Defense Department halted the practice of posting discriminatory rental listings and demanded non-discriminatory leases, Negro servicemen were nevertheless barred at the landlord's pleasure.

Employment

Following proceedings by the Minneapolis FEPC, the Minnesota Civil Liberties Union urged the superintendent of schools to make a study of allegedly discriminatory hiring practices. The ACLU of Southern California cooperated with a civil rights organization in winning the promotion of Negro employees of a leading Beverly Hills department store. The Greater Philadelphia Branch of the ACLU lost a suit charging discriminatory hiring by Philadelphia school contractors when a state court said that the affiliate failed to specify where and how discrimination had occurred. The New York Civil Liberties Union opposed preferential treatment for Negroes in housing and jobs. "The constitution is color blind," the NYCLU said. "It does not permit discrimination in favor of, any more than discrimination against."

Public Accommodations

The Delaware Supreme Court, in a groundbreaking decision, ruled that the state cannot enforce a private owner's exclusion of Negroes from his place of business. The court said that while the Fourteenth Amendment gives a private restaurant owner the right to choose his customers on any ground—including race—"it is equally true that the state may not compel the Negro patron to leave the place of public accommodation . . . The state may not act unconstitutionally merely to avoid a threat of violence." The Maryland Branch campaigned vigorously in support of a state-wide law banning discrimination in public accommodations; subsequently the measure was upheld in a bitterly-contested public referendum. The new measure supplants an anti-discrimination statute passed by the legislature in 1963 which was limited to Baltimore and 12 counties. An Ohio appellate court ruled that a barber who got his license from the state cannot refuse to cut anyone's hair, including a

Negro's. The case began in Oberlin, where the Ohio Civil Liberties Union filed a friend-of-the-court brief attacking the discriminatory treatment. The barber has since closed his shop, although the legal issue has been appealed to the state Supreme Court. Haircutting also was an issue in New Jersey. Two barbers told the state Division on Civil Rights that they lacked the skill to cut a Negro's hair, but the State Board of Barber Examiners rejected the defense and threatened to suspend the barbers' licenses.

INTERNATIONAL CIVIL LIBERTIES

Although the Union does not have within its purview civil liberties problems in foreign countries, the United Nations deals with many general issues in which the United States is directly involved—colonial administration of U.S. possessions, international covenants for legal rights submitted to all member States for adoption and studies of all aspects of human rights in all States.

In these efforts the Union has, during the past year, played a part either directly or through cooperation with other non-governmental organizations or the International League for the Rights of Man, accredited by the UN, with which it has long been affiliated.

The Union commended the State Department for at last submitting to the Senate three international covenants on human rights (slavery, forced labor and the political rights of women (*see last year's Annual Report, p. 88*) which as yet remain without hearings in Senate committees. New covenants which eventually will doubtless also be submitted are in course of UN preparation, two of wide general scope and one on racial discrimination. No indication appears as yet that a favorable vote could be secured in the Senate on any international covenant on human rights, nor indeed on the Connally reservation restricting U.S. participation in cases before the International Court of Justice. The Union, along with many other agencies, will of course continue to urge action.

One exceptional legal issue arose at the UN when a petitioner, a refugee from Portugal opposed to its dictatorship, was invited to testify before the General Assembly's colonialism committee. He faced the risk of extradition to Portugal on criminal charges once he got on U.S. territory as a treaty with Portugal had so permitted. The Union and the International League joined in urging precedence for the headquarters agreement with the UN which protects from legal process those on official business passing through U.S. territory to the UN. Invited visitors are not specifically covered. Arrest and a court test were avoided by the brevity of the visit, a single day.

The Union assisted in UN studies made by the special committee on discrimination by furnishing the material requested on the U.S.

COLONIAL ISSUES

Virgin Islands

These three islands with a population of around 30,000, long desiring more home rule, moved at last decisively through their governor and legislature to write their own governing act, to be submitted to Congress.

The islands have sought from Congress in previous years the right to elect their own governor and to have a delegate in Congress. Failing action, the islands have moved to elect delegates to a constitutional convention in December, 1964 which will draft a complete scheme of government in relation to the United States. The Union welcomed the move through Roger Baldwin, who visited the islands in the spring, acting as an adviser to the legislative committee on home rule.

Puerto Rico

Although Puerto Rico is a self-governing Commonwealth tied to the United States under a federal relations act, its legal status and that of its citizens has long been the major issue in Puerto Rican politics, with three conflicting choices as the solution—statehood, independence or a more definite Commonwealth relationship.

Hearings on a proposal for a joint U.S.-Puerto Rican commission were held in Congress, with the result that such a commission was authorized and appointed. The commission consists of seven members from Puerto Rico, selected pursuant to procedures established by Puerto Rican law, and eight members from the United States, appointed by the President, the Senate and the House. Its mandate is to study the various alternatives proposed for the final solution of the problem of Puerto Rico's legal status and to report to the governments of the United States and of Puerto Rico.

An unprecedented furor over Communism broke out in Puerto Rico in the spring, due to alleged Communist influences in the schools and university, with proposals for both administrative and legislative action. They were scored by the governor and others in and out of public office as baseless, and no official action was taken.

Pacific Islands

The U.S. reports on Samoa, Guam and the Pacific Trust Territory were submitted, as is done annually, to the UN and examined by the special committee on colonialism; in the case of the Trust Territory the study was transmitted to the Trusteeship Council for report to the Security Council. Despite criticism by the Soviet Union, the U.S. record and plans for greater autonomy were warmly commended, especially by a UN visiting committee which made an on-the-spot investigation of the scattered island groups of the Trust Territory (population 60,000). As yet, the United States has not provided an organic act for the government of the Territory.

Panama

The events in the Canal Zone in Panama of January 1964, when clashes occurred between Panamanian citizens and Zonal forces, did not enlist the intervention of the Union, though violation of citizens rights

were charged in policing assemblies and handling demonstrators against a slight to the Panamanian flag. But a thorough inquiry was made of these violations by the International Commission of Jurists at the request of the Panamanian Bar Association. Its finding in a 48-page report exonerated the U.S. authorities of the major charges, while criticizing them sharply for poor judgment and unwise attitudes.

Occupied Okinawa

The only remaining military zone under U.S. rule is the group of Ryukus islands, of which Okinawa is the chief, with a million Japanese inhabitants. It is administered by a U.S. general as High Commissioner, appointed by the President, under a presidential executive order as law.

The Union, long concerned with civil rights in the islands, continued its representations to Washington officials for much greater autonomy, a far narrower interpretation of military security, closer relations with Japan, separation of civilian from military controls, and clarification of the confused system of three sets of courts. A Bill of Rights was also urged so that Ryukuans may understand what rights the U.S. recognizes.

Reports from U.S. officials, from the Okinawa and Japanese civil liberties agencies and the local press show very little change in what is regarded in the Ryukus as unnecessarily rigid interpretations of military security. Response in Washington to the Union's representations was sympathetic, but it seems doubtful that officials will interfere with the absolute authority entrusted to the military commander on the spot. A change in commanders has been made, however, with the prospect of more liberal policies.

MEMBERSHIP AND FINANCES

(9-Month Fiscal Period, April 1 — December 31, 1963)

In the fall of 1963 the Board of Directors decided to shift ACLU's method of re-enrolling its members to an annual system. Thus all members, with the exception of those who had joined or contributed in the last quarter of the year, were asked to re-enroll in January, 1964, regardless of their customary month of giving to the Union.

This procedure was adopted to utilize practices which had proved effective in our California affiliates and in other organizations, and to permit affiliates to concentrate their re-enrollment and new membership campaigns. To conform to these procedures, the Board also decided to shift to a calendar fiscal year. Thus the financial report given below covers only the 9-month period from April 1 to December 31, 1963.

As part of the new system, the Membership and Development Department tightened up its schedule for dropping from the rolls members who had failed to renew their contributions. Thus despite the enrollment of some 10,200 new members during the 9-month period, membership in the national organization, including those in areas in which contributions are shared between local affiliates and the national organization, stood at year's end at 61,300. In addition, the ACLU of Northern California listed 5,400 members. If we assume that roughly half of the members in Northern California who contribute directly to the national organization are also members of the Northern California affiliate, the net membership as of December 31, 1963 was, in round figures, 65,000.

During the 9-month period, members contributed \$479,832 in dues and contributions for the general operations of the Union and its affiliates (all figures in this report are exclusive of the funds contributed to the ACLU of Northern California which maintains separate membership). In addition, \$7,909 was contributed to the Emergency Expansion Fund to be used for over-all development of affiliate and national financial resources. Of the funds contributed, affiliates retained \$212,947 for their own use.

The national organization's share of \$266,885 in membership contributions was augmented by \$27,187 obtained from miscellaneous sources, including \$10,873 drawn from the Emergency Expansion Fund, for a total of \$294,072 in national organization income. Since expenses for the period amounted to \$313,931, an *operating deficit* of \$19,859 was incurred for the period.

Bequests and gifts to the Vigilance Fund of \$9,691; to the Endowment Fund of \$41,333 and a memorial gift of \$15,877 setting up the Edmund C. Evans Fund for use in defending and expanding voting rights were received during the 9-month period. (For the terms of the Vigilance and Endowment Funds see back page of this report). The net worth of the organization, including its special funds, rose from \$112,633 at the beginning of the fiscal period here reported, to \$153,331 at its close.

The following members gave \$200 or more between April 1 and December 31, 1963:

Accident Prevention Safety League, Joseph W. Aidlin, Robert Aldrich, Steve Allen, Amalgamated Clothing Workers of America, Mrs. Copley Amory, Jr., Aris Anagnos, Ernest Angell, Henry Attias, Mr. and Mrs. John P. Axtell, Mrs. Helen Beardsley, John L. Becker, Laird Bell, Benjamin Berg, Edgar Bernhard, Dr. Nelson M. Blackman, Mrs. Fredrika T. Blair, Mr. and Mrs. H. C. Boardman, George Bodle, Mrs. Elizabeth P. Borish, Mr. and Mrs. Harry Braverman, Miss Julia C. Bryant, Andrew Burnett, Mr. and Mrs. Carlton E. Byrne, Chester F. Carlson, Mrs. Ethel Clyde, Edward T. Cone, Rev. and Mrs. Howard Conn, Albert S. Coolidge, Thurlow E. Coon, Rev. Stephen Crary, Mrs. Carl Croson, Mr. and Mrs. W. S. Dakin, Maxwell Dane, Mr. and Mrs. Albert P. Delacorte, Robert T. Drake, Mrs. H. A. Easlic, Mr. and Mrs. J. C. Edison, Don Edwards, Edward Ennis, Dr. H. O. Fehling, Kermit Fischer, Walter Fisher, Mr. and Mrs. W. Flexner, Daniel Fogel, Samuel Freeman, Mrs. Stanley Freeman, Mrs. Stanton A. Friedberg, Harvey Furgatch, Miss Margaret M. Gage, William M. Gaines, Mrs. Sidney Gamble, S. G. Ghurye, Mr. and Mrs. I. W. Gitt, Mr. and Mrs. Sy Gomberg, Herbert G. Graetz, Philip H. Gray, David Grutman, Jeremiah S. Gutman, Charles Hackler, Mr. and Mrs. Fred T. Haley, Mr. and Mrs. Edward B. Harper, Gilbert Harrison, James H. Haun, J. M. Huber Corporation, International Ladies' Garment Workers Union, Mrs. Sophia Y. Jacobs, Orrin G. Judd, J. M. Kaplan, Leon Kaplan, Dr. Gilbert Karash, Dr. and Mrs. Benjamin Karpman, Charles J. Katz, Mrs. Edith N. Kay, Mrs. Robert A. Keller, Robert W. Kenny, Mr. and Mrs. James Kimbrough, Dr. and Mrs. W. S. Kiskadden, Mrs. William Korn, Mr. and Mrs. Joseph B. Kruskal, Dr. Austin Lamont, Edward A. Lasher, S. M. Lazarus, Levy, DeRoy, Geffner, Koszdin and Glow, Mrs. V. S. Littauer, Mr. and Mrs. Walter Longstreth, Kenneth Maytag, Miss Frances B. McAllister, Hunter Morrison, Mr. and Mrs. Richard O'Neill, Mrs. Gertrude Pascal, Mrs. Katherine Peake, Oliver Pearson, Frank C. Pierson, Mr. and Mrs. Saul Poliak, Dr. Dallas Pratt, Eliot D. Pratt, Mrs. Jane A. Pratt, Anthony Randall, T. Thacher Robinson, Miss Charlotte Rosenbaum, Walter S. Rosenberry, III, Dr. Kenneth Rubin, William J. Scott, Mr. and Mrs. Leonard Schroeter, Rod Serling, Dr. Marvin Shapiro, Dr. D. M. Shayne, Mrs. Gratia E. Short, Mr. and Mrs. Lloyd M. Smith, Dr. and Mrs. Charles S. Stein, Jr., Mrs. Edward Steiner, Allen W. Stokes, Dr. Robert Stoller, Straus Broadcasting Group (WMCA), Mr. and Mrs. James Struthers, Mr. and Mrs. John Sullivan, Miss Anne L. Thorp, United Steel Workers, Mr. and Mrs. Frank Untermeyer, Philip Wain, J. Waties Waring, Mr. and Mrs. Robert C. Weinberg, Miss Mariquita West, Mr. and Mrs. James Whitmore, Duane E. Wilder, Harold Willens, Edward Bennett Williams, Miss Mary C. Wing, Robert E. Wise, Oscar Z. Wiseman, Mr. and Mrs. Jake Zeitlin, Mrs. Betty Zukor. Three anonymous contributions totalling \$600 were received.

ROLL OF HONOR

Last year the Board of Directors created the Vigilance Fund, described on the back cover of this report, to consist of substantial unrestricted bequests and gifts made in honor or in memory of a named person. The testators and the persons for whom such gifts were made are listed in this Roll of Honor, which also includes gifts to the Endowment Fund. Included in the Roll are gifts received to October 1, 1964.

JANE ADDAMS
EVELYN P. BALDWIN
ROGER N. BALDWIN
JAMES D. BARNETT
HARRY BLAKE
ARNOLD BRIDGES
RICHARD BROOKE
FANNY JAMES BROWN
GRETA ELIZABETH BROWN
MORRIS J. COOKE
DOROTHY DAKIN

MARGARET B. DESILVER
ROSEMUND GLEASON
JULIUS HOLZBERG
JOHN MANTNER
WILLIAM L. MOORE
BLANCHE MEYER
WILLIAM NORTON
MARIE MCCADDIN PAUTZ
ISAAC POMERANCE
ALEXANDER UFFE

Prior to the creation of this special purpose fund, countless others had made gifts to the Union by bequest or in honor or memory of others. Substantial contributions have also been received from donors who wished to remain anonymous. All these gifts have played a vital role in what the Union has since done and become. Though unable to name them all, in the manner in which we here honor those who created, or for whom the Vigilance Fund was created, the Union acknowledges its debt—and that of our cause—to these benefactors.

ACLU FINANCIAL REPORT
(National Organization Exclusive of Affiliates)
(Nine Month Period April 1, 1963—December 31, 1963)

INCOME

MEMBERSHIP DUES AND CONTRIBUTIONS	\$479,832	
Less affiliates' share	<u>212,947</u>	
National ACLU's share		\$266,885
Other income:		
From Marshall Fund (for legal expense)		\$ 2,840
From Emergency Expansion Fund for Field Development		10,873
Miscellaneous national organization receipts		<u>13,474</u>
TOTAL NATIONAL ORGANIZATION INCOME		<u>\$294,072</u>

EXPENDITURES — NATIONAL ORGANIZATION

EXECUTIVE AND FUNCTIONAL OPERATIONS:

Legal Operations		
Staff salaries	\$ 13,027	
Cases (briefs, court costs, etc.)	<u>14,788</u>	\$ 27,815
Education and Action		
Salaries for education, program, etc.	\$ 29,884	
CIVIL LIBERTIES, weekly bulletin, etc.	<u>19,554</u>	49,438
Washington, D.C., Office — legislative services		
Salaries	\$ 14,925	
Rent, phone, supplies, etc.	<u>5,154</u>	20,079
Executive Operations		
Salaries	\$ 35,623	
Board and Committee Expenses	1,398	
Corporate and Affiliate Services	2,566	
General	<u>440</u>	40,027
		<u>\$137,359</u>

MEMBERSHIP AND DEVELOPMENT DEPARTMENT

Field Development Office		
Salaries	\$ 5,416	
Consultant services, travel, etc.	<u>5,456</u>	\$ 10,872
Membership and Development Operations		
Salaries	\$ 47,535	
New member promotions, renewals, etc.	<u>68,151</u>	115,686
		<u>\$126,558</u>

UN-ALLOCABLE EXPENSES

Rent, cleaning, repairs, equipment	\$ 22,461	
Stationery, office supplies, printing	3,993	
Postage, telephone, telegraph	8,469	
Taxes	7,019	
Audit	2,750	
Miscellaneous	<u>5,322</u>	\$ 50,014

TOTAL NATIONAL ORGANIZATION EXPENSES	<u>\$313,931</u>
TOTAL NATIONAL ORGANIZATION INCOME	<u>\$294,072</u>
Operating deficit	<u>\$ (19,859)</u>

SPECIAL FUNDS ACCOUNTS

VIGILANCE FUND - Balance, April 1, 1963	\$ 41,572
Bequest received	<u>9,691</u>
Balance, December 31, 1963	<u>\$ 51,263</u>
EMERGENCY EXPANSION FUND	
Balance, April 1, 1963	\$ 18,336
Affiliate quota contributions	\$ 4,235
National quota contributions	<u>3,674</u>
Less Field Development expenses	7,909
Balance, December 31, 1963	<u>(10,873)</u>
ENDOWMENT FUND - Balance, April 1, 1963	<u>\$ 15,372</u>
Gifts, bequests and dividend income	\$ 8,613
Less transfers and losses due to stock sales	41,333
Balance, December 31, 1963	<u>(1,240)</u>
EDMUND C. EVANS FUND - Memorial gift for use in defending and expanding voting rights)	<u>\$ 48,706</u>
ROBERT MARSHALL FUND - Balance, April 1, 1963 ..	\$ 15,877
Dividends and interest received	\$ 34,348
Less grants to national legal expenses	1,007
Less grants to affiliates for legal expenses	\$ 2,840
Balance, December 31, 1963	<u>307</u>
TOTAL BALANCES IN SPECIAL FUNDS, December 31, 1963	<u>(3,147)</u>
	<u>\$ 32,208</u>
	<u>\$163,426</u>

BALANCE SHEET AS OF DECEMBER 31, 1963

ASSETS:

Cash on hand and in bank	\$ 62,775
Accounts receivable (from affiliates and others)	\$ 20,880
Loans receivable (affiliates)	1,300
Investments and security deposits	<u>5,665</u>
	27,845
Special funds accounts (see above)	<u>\$ 90,620</u>
TOTAL ASSETS	<u>163,426</u>
	<u>\$254,046</u>

LIABILITIES AND NET WORTH:

Liabilities:

Delayed transfers to affiliates	\$ 23,868
Accrued expenses and sundry payable	13,785
Payroll taxes payable	<u>4,045</u>
Due to Vigilance Fund	\$ 41,698
Reserve for severance pay	51,263
Total liabilities and reserves	<u>7,754</u>
General Fund Net Worth (deficit)	<u>\$100,715</u>
Special Funds Accounts, balances on December 31, 1963	(\$ 10,095)
NET WORTH	<u>163,426</u>
TOTAL LIABILITIES AND NET WORTH	<u>\$153,331</u>
	<u>\$254,046</u>

ROGER N. BALDWIN ESCROW ACCOUNT

NET WORTH, April 1, 1963		\$ 40,397
Income from investments	\$ 2,247	
Net profit on securities sales	<u>3,767</u>	6,014
Transfer to ACLU for Mr. Baldwin's part		
time services	2,700	
Custodian fee	<u>112</u>	(2,812)
Net Worth December 31, 1963		<u>\$ 43,599</u>

COSTS OF CASES AND OTHER LITIGATIVE EXPENSES OF THE NATIONAL ORGANIZATION*

Alabama vs. Mills—elections and free press	\$ 175
Ashton vs. Kentucky—criminal libel	37
Beverly vs. Wiersama—picketing	148
Birmingham, Alabama—civil rights demonstrations	210
Communist Party vs. U.S.A.—Subversive Activities Control Act	165
Danville, Virginia—civil rights demonstrations	500
Darnell vs. U.S.A.—Post Office censorship	216
Davis vs. Balkom—jury discrimination	205
Fields vs. Fairfield—free speech	878
Gordon vs. Mississippi—jury discrimination	753
William Higgs—lawyers and unpopular clients	114
Jordan vs. Hutchinson—lawyers and unpopular clients	44
La Fountain—welfare and peonage	460
McLeod—leaflet distribution	178
Malloy vs. Hogan—privilege against self-incrimination	362
Marks vs. Esperdy—Expatriation	776
N.L.R.B. vs. Miranda Fuel—union discrimination	349
New York Times vs. Sullivan—Libel	724
Lee Oswald	67
Pate vs. Page—coerced confession	473
Roberts vs. Vance—Military free speech	104
Schwartz vs. Board of Trustees—academic freedom	704
Scott vs. Louisiana—jury discrimination	212
Robert Shelton vs. U.S.—Congressional investigations	1,903
Smith and Waltzer vs. Louisiana—lawyers and unpopular clients	676
Smith vs. Mississippi—jury discrimination	1,072
Hughes Tool Co. vs. N.L.R.B.—union discrimination	406
U.S.A. vs. Ross Barnett—contempt and jury trials	262
Palmetto (WDKD) vs. FCC—FCC censorship	182
W.M.C.A. vs. Simon—reapportionment	474
Washington D.C., cases	249
Cases under \$36	230
Legal work N.Y. & D.C. offices	805
Law Library	675
TOTAL	<u>\$14,788</u>

*Full details on these cases will be found elsewhere in this Report. Expenditures cover only out-of-pocket items such as printing of briefs, travel, long-distance phone calls, etc. The Union's cooperating attorneys serve without fee.

* * *

The ACLU's financial and accounting methods are endorsed by the National Information Bureau, 205 East 42nd Street, New York 17, N.Y., a private agency organized to help maintain sound standards in philanthropy and to provide contributors with information and advice.

Contributions to the American Civil Liberties Union are not deductible for income tax purposes since the Treasury Department has held that a "substantial part" of the Union's activities is directed toward influencing legislation. The ACLU itself pays no taxes other than payroll taxes.

INDEPENDENT AUDITORS' REPORT

We have examined the balance sheet of the American Civil Liberties Union, Inc. (national organization exclusive of affiliates), at December 31, 1963 and the related statement of income and expenditures, special fund accounts and the Roger N. Baldwin Escrow account appearing on pages 104 to 106 for the nine months then ended.

By Board resolution the end of the fiscal year of American Civil Liberties Union Inc. was changed from March 31 to December 31. This change of accounting period has been approved by the Internal Revenue Service.

Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the financial statements mentioned above present fairly the financial position of the American Civil Liberties Union, Inc. (national organization exclusive of affiliates) and the Roger N. Baldwin Escrow account as of December 31, 1963 and the results of their respective operations for the nine months then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

APFEL & ENGLANDER
Certified Public Accountants

**TRANSFERS TO INTEGRATED AFFILIATES AND
SEPARATE AFFILIATE FINANCIAL INFORMATION (UNAUDITED)**

	<i>Affiliate's Net worth 12/31/63</i>	<i>Affiliate's additional local income</i>	<i>Transfers from joint memb. income</i>
Arizona	\$ 2,452	\$ 500	\$ 1,409
Southern Calif.	11,958	22,217	41,782
Colorado	726	1,093	4,003
Connecticut	6,269	97	1,979
Florida	2,122	4,586	2,689
Illinois	18,791	15,904	21,717
Indiana	805	629	4,064
Iowa	920	10	1,252
Kentucky	845	—	1,667
Louisiana	—	—	777
Maryland	245	—	3,935
Massachussetts	12,677	7,455	16,494
Michigan	856	13,046	13,562
Minnesota	4,324	175	5,785
Missouri			
Kansas City	803	190	407
St. Louis	1,631	30	1,002
National Capital Area	3,753	—	8,460
New Jersey	626	42	2,564
New Mexico	931	—	416
New York City	12,987	12,301	37,267
Up-State New York	641	—	1,535
Ohio	3,756	476	9,968
Oregon	—	—	1,436
Penna-Del.	—	—	18,028
Rhode Island	1,043	18	503
Texas			
Central	273	51	323
Dallas	708	5	464
Houston	157	109	333
Utah	863	48	389
Washington	1,208	1,188	7,127
Wisconsin	5,711	25	1,610
TOTAL TRANSFERS			\$212,947

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(1101 Vermont Street, N.W., Washington, D.C.)

Telephone: METropolitan 8-6602)

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(5 Forsythe St., N.W., Atlanta, Georgia; Telephone: 523-2721)

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ACLU AFFILIATES

- Arizona:* ARIZONA CIVIL LIBERTIES UNION—2030 Calle Alta Vista, Tucson. J. Michael Mahar§, President. Bruce Clayton, Vice-President. Chapters in northern and southern areas.
- California:* ACLU OF NORTHERN CALIFORNIA*—503 Market Street, San Francisco 5. Howard A. Friedman, Chairman. Ernest Besig§, Executive Director. Chapters in Marin County, Mid-Peninsula, Monterey County, Mt. Diablo, Sacramento, State College, Sacramento Valley, Santa Cruz County, Santa Clara County and Stockton.
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- Ohio:* OHIO CIVIL LIBERTIES UNION*—354 Hippodrome Bldg. Annex, 715 Prospect Avenue, Cleveland, 44115. Dr. R. Vance Fitzgerald, Chairman. Mrs. Odelia Robinson§, Office Manager. Chapters in Akron, Cincinnati, Cleveland, Columbus, Dayton, Oberlin, Oxford, Toledo, Yellow Springs and Youngstown.
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- Pennsylvania:* ACLU OF PENNSYLVANIA*—260 South 15th Street, Philadelphia 2. Harry E. Seyler, President. Spencer Cox§, Executive Director. Chapters in Greater Pittsburgh† (Mrs. Marion Damick, 1341 Shady Avenue, Pittsburgh 17), Erie Area, Greater Harrisburg, Lancaster County, Lehigh Valley, Scranton-Wilkes-Barre Region, and York County.
- GREATER PHILADELPHIA BRANCH, ACLU*—260 South 15th Street, Philadelphia 2, Raymond J. Bradley, President. Spencer Cox§, Executive Director. Chapters in Delaware County, Bucks County and State of Delaware.
- Rhode Island:* RHODE ISLAND AFFILIATE, ACLU—Box 1904, Brown Station, Providence 12. Charles Baldwin§, Chairman.
- Texas:* TEXAS CIVIL LIBERTIES UNION†—308 West 11th Street, Austin 78701. The Reverend Brandoch Lovelv§, Chairman. Miss Betsy Burba§, Executive Director. Chapters in Austin, Dallas, Ft. Worth and Houston.
- Utah:* ACLU OF UTAH†—First Unitarian Church, 569 South 13th East, Salt Lake City. The Reverend Hugh W. Gillian§, President.
- Washington:* ACLU OF WASHINGTON*—2120 Smith Tower, Seattle 4. Leonard W. Schroeter, Chairman. David H. Guren§, Executive Director. Chapters in Bellingham, Benton-Franklin Counties, Bremerton, Moscow Idaho, Olympia, Pullman, Spokane, Tacoma, University of Washington, Walla Walla, Yakima.
- Wisconsin:* WISCONSIN CIVIL LIBERTIES UNION†—324 S. Hamilton St., Madison 53703. William G. Rice, Chairman. Edward Nager§, Executive Secretary. Chapter in Milwaukee.

* Indicates a full-time office is maintained.

† Part-time office maintained.

§ To contact an affiliate write this person at address given.

STATE CORRESPONDENTS

(In states and territories where the Union does not have organized affiliates, these correspondents assist the ACLU by securing information and giving advice on local matters. They do not represent the Union officially.)

Alaska—James E. Fisher, Box 397, Kenai

Arkansas—Mrs. Ruth Arnold, Box 41, Little Rock

Delaware—William Prickett, 1310 King Street, Box 1329, Wilmington 99

Hawaii—Miss Mildred Towle, 431 Namahana Street, Honolulu

Idaho—Alvin Denman, P.O. Box 1841, Idaho Falls

Kansas—Raymond Briman, Columbian Building, Topeka

Maine—Professor Warren B. Catlin, Bowdoin College, Brunswick

Mississippi—Jo Drake Arrington, 410-412 Hewes Building, Gulfport

Montana—Leo C. Graybill, 609 Third Avenue North, Great Falls

Nebraska—Philip C. Sorensen, 500 Nat'l Bank of Commerce Building, Lincoln 8

New Hampshire—Winthrop Wadleigh, 45 Market Street, Manchester

North Carolina—James Mattocks, Professional Building, High Point

North Dakota—Harold W. Bangert, 400 American Life Building, Fargo

South Carolina—John Bolt Culbertson, P.O. Box 1325, Greenville

South Dakota—Marvin K. Bailin, 125 South Maine Avenue, Sioux Falls

Tennessee—Leroy J. Ellis III, Commerce Union Bank Building, Nashville

Vermont—John S. Burgess, 67 Main St., Brattleboro

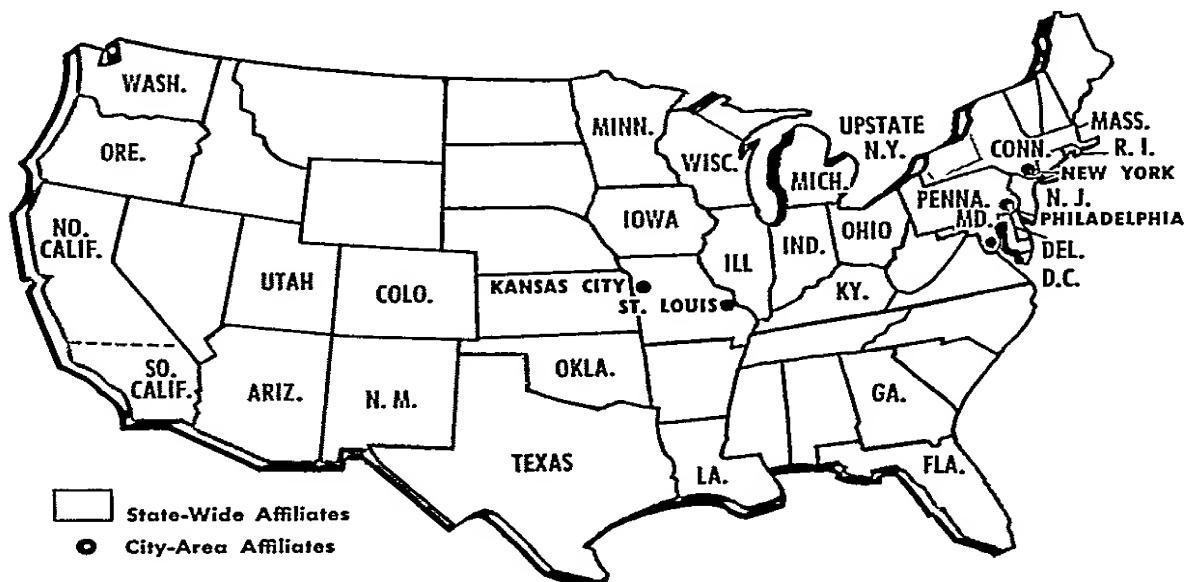
West Virginia—Horace S. Meldahl, P.O. Box 1, Charleston

Wyoming—Reverend John P. McConnell, 408 South 11th Street, Laramie

Puerto Rico—Lino J. Saldana, 250 Fortaleza Street, P.O. Box 4151, San Juan

Virgin Islands—George H. T. Dudley, Box 117, Charlotte Amalie, St. Thomas

**JOIN THE
AMERICAN CIVIL LIBERTIES UNION
156 Fifth Avenue, New York 10, New York
The 33 State and City Affiliates of the ACLU**



By joining the national ACLU, you will join the affiliate in your area. (Except in Northern California where separate membership is maintained. However, the national ACLU also welcomes support from members in Northern California.)

Membership includes the ACLU's authoritative Annual Report, *Civil Liberties* nine times a year, and your choice of ACLU pamphlets. Students members at \$3 receive *Civil Liberties* and the Annual Report. The ACLU needs and welcomes the support of all those — and only those — whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.

MEMBERSHIP CATEGORIES

- | | |
|---|--|
| <input type="checkbox"/> \$100 Participating Member | <input type="checkbox"/> \$50 Cooperating Member |
| <input type="checkbox"/> \$25 Sustaining Member | <input type="checkbox"/> \$10 Supporting Member |
| <input type="checkbox"/> \$6 Basic Membership | |

Please enroll me as a NEW MEMBER of the ACLU. Here is my \$..... membership contribution, 50¢ of which is for a one-year subscription to *Civil Liberties*.

PLEASE PRINT CLEARLY

NAME

ADDRESS

CITY ZONE STATE

OCCUPATION PHONE

THE ACLU VIGILANCE FUND

The Vigilance Fund is comprised of all unrestricted bequests to the national organization and major gifts to the ACLU made in memory or in honor of a named person.

The principal of the Vigilance Fund is invested and the income used for the substantive work of the Union, assuring more effective protection and projection of our civil liberties.

Portions of the Vigilance Fund itself may be used from time to time for special projects of overriding national importance. Such projects may include:

1. Organizing a prompt and effective response to any civil liberties crisis of national proportions for which current budgeted funds prove inadequate.
2. Financing a major educational campaign on a specific civil liberties issue of extraordinary national significance.
3. Developing civil liberties activities in areas where no ACLU organization exists and strengthening affiliate organizations in areas of special need.

Such use will be made, however, only for projects recommended by the National Development Council, a body elected by representatives of the Union's affiliates and by the National Board, and approved formally by the National Board.

With like authorization the fund may be employed to finance capital requirements and the accommodation of fluctuations in the income and expenses of the Union or any of its affiliates, but amounts so used are required to be restored to the Vigilance Fund out of operating income.

The Endowment Fund is maintained for donors who prefer to add to the permanent funds of the Union. It is invested in income-producing property for the benefit of national operations. Unless otherwise specified, the Board of Directors has the authority to make temporary use of the Endowment Fund as security for short-term borrowing to accommodate seasonal fluctuations in income.

Each year the Union pays tribute to the individual testators and persons in whose memory or honor gifts aggregating \$500 or more were received by listing them in its Annual Report.

BEQUESTS TO THE ACLU

Between February 1, 1950 and September 30, 1964 the national American Civil Liberties Union has received by bequest a total of \$353,809 from the estates of seventy four persons. (Some affiliates have also received bequests). The legacies have ranged from \$20 to \$40,000.

The Union regards such gifts with special pride and special obligation, because they represent the legators' final dedication to the preservation of civil liberties in our democracy.

Those desiring to make such provision in their wills may use this language: "I give \$.....to the American Civil Liberties Union, Inc., a New York Corporation." If the testator is in an area where there is an ACLU affiliate, and wishes the affiliate to share directly in the bequest, there should be added to the foregoing, "of which \$.....shall be applied to the use of its.....affiliate."

NEWS RELEASE

AMERICAN CIVIL LIBERTIES UNION, 156 FIFTH AVENUE, NEW YORK 10, N. Y.

FRANCIS BIDDLE
Chairman
National Committee

ERNEST ANGELL
Chairman
Board of Directors

EDWARD J. ENNIS
OSMOND K. FRAENKEL
General Counsel

JOHN de J. PEMBERTON, JR.
Executive Director

ORegon 5-5990

FOR RELEASE: MONDAY AM, FEBRUARY 15, 1965

Alan Reitman, Associate Director
In Charge of Public Relations

(ADVANCE) NEW YORK, N.Y. FEB. 14. - Historic victories in key areas highlighted the civil liberties scene last year but grave threats to freedom lie ahead, the American Civil Liberties Union warned today in its 44th annual report.

The 45-year-old organization called on its more than 65,000 members to welcome the challenge of still unattained goals with renewed dedication.

The 110-page report on major civil liberties developments since mid-1963 reviewed a year filled with some setbacks but many major gains -- including the Civil Rights Act of 1964, the most comprehensive measure of its kind in a century. The report is entitled "The Stakes Grow Higher."

The ACLU and its 34 affiliates experienced a period of peak activity that produced as many far-reaching judicial decisions, especially at the Supreme Court level, as in any other recent year, the report showed.

In his introduction to the report, John de J. Pemberton, Jr., the Union's executive director, noted that three great social revolutions, the drive for equality, the development of automation -- and its economic consequences -- and the growth of weapons of mass destruction, created severe pressure on civil liberties.

"What stands out about the year is how rapidly the stakes are becoming higher -- how much the perfection of our liberties inter-twined with accelerating changes...and how much the adequacy of our responses to these changes will depend upon the protection of our liberties, he wrote. "...The ACLU's particular role in this period of revolutionary change," he said, "is to pursue every opportunity for strengthening the threads of liberty, so that the tensions of social change will not destroy the fabric of freedom."

The report made it clear that American Negroes still have a long way to go toward winning their freedom and that serious anti-libertarian tensions have arisen out of the revolution for racial equality. "The economic gap between whites and non-whites continues to grow," it said.

In the South, Negroes still were being harassed, intimidated and beaten, pointing up the evident need to improve the 1964 civil rights law to prevent police brutality and other official misconduct. And "last-ditch opposition in many southern states," the report said, "required a case-by-case attack on the fortress of discrimination, particularly in rape and murder cases where inadequate counsel, discriminatory jury selection and coerced confessions starkly revealed the unequal treatment."

"One growing obstacle to assuring Negro defendants a fair trial -- the lack of adequate counsel -- was the open harassment of civil rights lawyers working in the South through contempt-of-court charges and arrest under blatantly unconstitutional state anti-subversion laws. One positive sign, however, was the increased willingness of lawyers outside the South to spend time in the region defending civil rights workers against a variety of lower crimes trumped up by police authorities trying to discourage integration."

Even a decade after the landmark Supreme Court ruling that banned segregation in public schools, only one percent of the Negro pupils in the Deep South were sitting along side white classmates although token desegregation in the schools proceeded, the report said.

In northern urban centers, long-simmering tensions erupted into race riots and violence flared between civil rights demonstrators and police. And the existence of de facto segregation as a result of housing patterns remained a subtle form of racial discrimination. "The progress scored in recent years against discriminatory housing was set back by California voters, who approved an amendment to the state constitution that in effect barred any present or future legislative action banning discrimination in housing. The drive was part of a national effort by the National Real Estate Association to thwart legislative action by resort to popular referenda. Several major cities withdrew anti-bias housing ordinances, emphasizing the tremendous educational work still needed to win the acceptance of non-discriminatory housing."

The report acknowledged that the ACLU was meeting only limited success in its efforts to set up police review boards because of growing community reaction to crime. "...the search for easy answers will inevitably support moves to improve law enforcement at the expense of individual rights," the report noted. "It will not be easy...to demonstrate that loss of basic constitutional protections -- the heart of our freedom -- is the wrong price to pay."

Reviewing the impact on civil liberties in the recent presidential campaign, the report noted that the campaign debate did not face up to major issues but nevertheless "disclosed a deep and widely held hostility to much that has been too long taken for granted -- including many principles of the Bill of Rights itself.... The real debate that did not materialize will yet occur, and every libertarian should welcome the confrontation."

The report cited a number of far-reaching Supreme Court decisions that spurred major progress in many sensitive areas.

"Perhaps the major decision of the Supreme Court brought the greatest satisfaction," the report said, "--its holding that malapportionment of state legislative

districts violated the principle of "one man, one vote," -- a principle for which the ACLU had championed for years.

"But both political fortunes and the survival instincts of those who will be adversely affected by reapportionment remain. There certainly will be renewed intensity in the drive to override the Supreme Court rulings....

"A perennial civil rights concern -- preserving the separation of church and state -- was caught in the backwash of the United States Supreme Court's decisions banning Bible reading and prayers from public schools," the report said. "A proposal to amend the constitution to allow such practices was defeated, but only after a major educational counter-offensive."

In other rulings in which the ACLU played a vital role the high court:

- (1) Voided a section of the 1950 Subversive Activities Control Act which forbade Communist Party members to apply for passports, use old ones or seek renewal of expired ones;
- (2) Struck down two Washington state loyalty oaths for teachers and public employees as "unconstitutionally vague";
- (3) Ruled that Henry Miller's "Tropic of Cancer" and the French film "The Lovers" were not obscene;
- (4) Overturned a \$500,000 libel judgment against the New York Times by the Alabama courts on the principle that a public official must prove deliberate malice to recover damages for criticism of his official conduct.

Still other high court decisions supported by the ACLU extended to state courts the self-incrimination protection of the Fifth Amendment previously limited to federal courts and provided federal aid to indigent defendants.

The report noted that the Federal Communications Commission took a great stride forward by renewing the broadcast licenses of the Pacifica Foundations' three FM radio stations, which had been under investigation by the Senate Internal Security Subcommittee on suspicion of being under alleged Communist influences. The ACLU vigorously opposed the investigation as an attack on the First Amendment's freedom of expression and the programming of controversial discussion on the air.

Among the many violations cited in the report which the ACLU protested were these:

- (1) Noisy investigations by the House Un-American Activities Committee in Buffalo, New York, and Minneapolis that sought to curb freedom of speech and association;
- (2) Ultra right-wing attacks on public schools and libraries seeking to stifle freedom of thought;
- (3) Federal government mail checks on court defendants and the widespread use of lie detectors by government agencies that were an invasion of privacy.

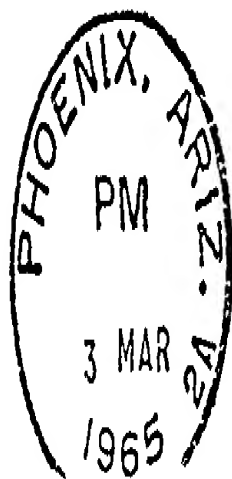
Evaluating the impact of social revolutions on civil liberties, the report said: "...While we survived the McCarthy period...none of this history gives

assurance that we can preserve anything of an open society, much less move forward toward having a truly free one, under the combined onslaught of all of these revolutionary changes....

"A revolution in the world's conception of attainable equality and human opportunity could free a wealth of human talent, energy and spirit to enter the mainstream of life and history. And the wisdom essential to reach for such opportunity can be marshalled -- if indeed so much wisdom is to be found at all -- by a perfection of those rights essential to self-government and by their exercise. This is the task of the society that would become free."

Based on a new fiscal year arrangement, the report noted that for the nine months ending December 31, 1963, 10,002 new members were added to the Union's ranks bringing the total membership to 65,000. During this period \$479,832 was collected in dues and contributions.

Copies of the report are available from the ACLU at its office, 156 Fifth Avenue, New York, New York 10010, at 75¢ per copy.



J. Edgar Hoover
Federal Bureau of Investigation
Washington, D.C.



Phy Orig 85221

b6

b7C

28

Mar. 3, 1965

Phx, Ariz

Edwin Willis,
House Committee on Un-American Activities
Washington, D.C..

Sir:

b6
b7C

I have been shocked to learn of the many anti-religious & what I consider un-American objections & positions advocated by the American Civil Liberties Union.

Shouldn't this organization be investigated? Why hasn't something been done?

cc: J. Edgar Hoover FBI.
H. Katzenbach. Attn Gen.

ST 1001
no ack copy
Agent

CORRESPONDENCE

REC-40

44-190-1105

9 MAR 8 1965

EX-111

58 MAR 16 1965

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 2-26-65

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Pages 3512-3517. Senator Dodd, (D) Connecticut, spoke concerning the attacks on the FBI and Mr. Hoover by certain persons in the civil rights movement. He stated "The Americans for Democratic Action has condemned the FBI as 'not wholeheartedly determined to enforce the civil rights laws,' 'not able to do the job'; the ADA urges that the FBI should be deprived of its role in civil rights cases and replaced by another agency." Dodd advised that Attorney Joseph L. Rauh, Jr., made a statement of ADA policy before the New York Civil Liberties Union. Mr. Dodd pointed out that Mr. Hoover replied to ADA criticism by letter dated January 5, 1965, and Mr. Edward D. Hollander, chairman, executive committee of ADA, responded by letter of February 11, 1965. Both letters were placed in the Record. The Hollander letter included excerpts from the address of Rauh on receiving the New York Civil Liberties Union Florina Lasker Award, February 10, 1965. Mr. Dodd also included a detailed compilation of FBI accomplishments in civil rights cases. He pointed out that the charges made against the FBI and Mr. Hoover are unwarranted and cannot be justified on the record. Dodd referred to his former employment with the Bureau. (Thomas J. Dodd was employed as an Agent from September 18, 1933, to August 30, 1934.)

AMERICAN

61-190-
NOT RECORDED
MAR 11 1965

In the original of a memorandum captioned and dated as above, the Congressional Record for 2-25-65 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate file case or subject matter files.

Original filed in: 66-1731-2644

67 MAR 15 1965

RE:

BERNARD S. LEE V. CLARENCE M. KELLEY, ET AL.
(U.S.D.C, D.C.) CIVIL ACTION NUMBER 76-1185

SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (SCLC)
V. CLARENCE M. KELLEY, ET AL (U.S.D.C., D.C.)
CIVIL ACTION NUMBER 76-1186

Unrecorded serial dated 3/2/65 pulled from this file
under court order of U.S. District Judge John Lewis
Smith, Jr., and sent to National Archives..

March 8, 1965

REC-21

61-190-1106

Mar 8 4 38 PM '65
REC'D-READING ROOM
FBI

EX-117

Phoenix, Arizona

b6
b7C

Dear Mr. [REDACTED]

Your letter of February 28th has been received, and I want to take this opportunity to thank you for your staunch support. All of us in the FBI are certainly appreciative.

While I would like to be of assistance, I cannot speak for the House Committee on Un-American Activities and, therefore, would suggest your writing directly to this Committee at Room 225, Cannon House Office Building, Washington, D. C. 20515, for any information it may be able to furnish.

Sincerely yours,

J. Edgar Hoover

NOTE: Correspondent is not identifiable in Bufiles.

WAM:cal
(3)

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
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Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

70 MAR 17 1965

MAIL ROOM ☐ TELETYPE UNIT ☐

TRUE COPY

28 Feb 65

Dear Sir

I would like to know why the American Civil Liberties Union. Has not been investigated by the House Committee on Un-American Activities.

I would like to add my support to you and Federal Bureau of Investigation.

Sincerely

/s/

[Redacted Signature]

Address per envelope:

[Redacted Address]

Phoenix, Arizona

b6
b7C

*1 TC def
3-5-65*
*ack 3-8-65
WAM/def/log/cal*
mul



Phoenix, Arizona
ZIP CODE

copy

28 Feb 65

b6
b7C

Dear Sir

I would like to know why the American Civil Liberties Union. Has not been investigated by the House Committee on Un-American Activities.

I would like to add my support to you and Federal Bureau of Investigation.

1 TC lrf
3-5-65

REC-21 61-190-1106

Sincerely

EX-117

3 MAR 9 1965

ack 3-8-65
WAM/lrf/bsg

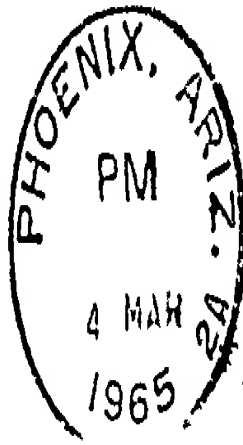
mail



CORRESPONDENCE 1282 m8

Phx Arizona

2E



b6

b7C

J. Edgar Hoover
Federal Bureau of Invest.
Washington
D.C.

Elmer Whittier

House Comm. on American Activities
Washington, D.C.

b6
b7C

Dear Mr. Whittier, CIVIL LIBERTIES UNION
OF AMERICANS

The American Civil Liberties Union seems to be against any thing that has anything to do with God i.e., prayer, grace, or Americanism in any form but fights for Communist speakers, communist passports & equal employment for Communists.

I sincerely believe A.C.L.U. should be investigated by your committee to see if it has been infiltrated. A.C.L.U.'s record certainly indicates something is fishy someplace.

Very Truly Yours R L H

Copy # B. J.
U.S. Attn. Gen.

W.C.

CONFIDENCE

Mr. Tolson	✓
Mr. Belmont	✓
Mr. Mohr	✓
Mr. DeLoach	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

March 2nd, 1965

Congressman Edwin Willis, Chairman
House Committee on Un-American Activities
Washington D.C.

Dear Congressman Willis;

It is as a responsible, thinking American Citizen
that I find myself compelled to write this letter.

I feel it is my duty to request a complete and
detailed investigation into the activities of the
American Civil Liberties Union.

The time has come when you must accept your job
and prove to our Nation that you are worthy of this
high honor, by instating just such an investigation,
which is so long over-due.

It is with the sincerest respect with which I remain,

Very Truly Yours

Phoenix, Arizona

cc: J. Edgar Hoover
Nicholas Katzenbach

REC- 99

61-190-1108

MAR 9 1965

No use
CORRESPONDENCE

34 MAR 9 1965

EXP. PROC.

69 MAR 10 1965

(Mount Clipping in Space Below)

Mr. Tolson _____
 Mr. Belmont _____
 Mr. Mohr _____
 Mr. DeLoach _____
 Mr. Casper _____
 Mr. Callahan _____
 Mr. Conrad _____
 Mr. Felt _____
 Mr. Gale _____
 Mr. Rosen _____
 Mr. Sullivan _____
 Mr. Tavel _____
 Mr. Trotter _____
 Tele. Room _____
 Mr. Holloman _____
 Miss Gandy _____

Meeting To Weigh ACLU Unit

A meeting to consider the formation of a Hawaii chapter of the American Civil Liberties Union will be held at 8 p.m. Thursday in Room 6 of the Atkinson YMCA.

Mrs. Patricia Putnam, Honolulu attorney, and a ACLU member, will speak on the scope of civil liberties activities and the local issues with which a local chapter might deal.

Gene Bridges will report on the findings of a special steering committee which was established Feb. 4 to investigate the requirements of establishing a Hawaii ACLU chapter. Both

Bridges said approximately 80 members of the ACLU on Oahu have been invited to attend Thursday's meeting.

(Indicate page, name of newspaper, city and state.)

HONOLULU ADVERTISER

HONOLULU, HAWAII

PAGE A6

Date: 3/6/68
 Edition: 3 STAR
 Author:
 Editor: GEORGE CHAPLIN
 Title: AMERICAN CIVIL
 LIBERTIES UNION

Character: IS-C

or

Classification: 100-4974

Submitting Office: HONOLULU

☐ Being Investigated

14 MAR 19 1968

File
61-190

5-9446-104

61-190-A-

March 15, 1965

EX-117 REC-34

61-190-1109

Lyndhurst, New Jersey

b6
b7c

Dear Mrs. [redacted]

Your letter of March 8th has been received, and I want to take this opportunity to thank you for your kind comments, warm sentiments and staunch support. I am glad you found our literature to be of interest, and your comments concerning my associates in the Newark Office are indeed appreciated.

While I would like to be of assistance concerning the questions you asked, information in files of the FBI must be maintained as confidential pursuant to regulations of the Department of Justice and is available for official use only. Therefore, I trust you will understand why I am not in a position to comment specifically along the lines you mentioned.

I am, however, enclosing some material which contains my views, and I hope you will find it of interest.

MAILED 8

MAR 15 1965

COMM-FBI

Sincerely yours,

J. Edgar Hoover

Enclosures (5)

1 - Newark - Enclosure

(See NOTE & ENCLOSURES next page)

DTP:pjf (4)

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

67 MAR 22 1965

MAIL ROOM ☐ TELETYPE UNIT ☐

2E

Mrs.

b6
b7C

Enclosures:

The Rectangular Screen and Delinquency
TV Shows and Movies Have Effect on Crime
The Fight against Filth
Combating Merchants of Filth: The Role of the FBI
Let's Wipe Out The Schoolyard Sex Racket!

NOTE: Correspondent is not identifiable in Bufiles. The American Civil Liberties Union (ACLU) is "a nationwide nonpartisan organization devoted solely to the protection and advancement of the individual liberties fundamental to the Democratic way of life." The ACLU believes in the free exchange of political opinion and the freedom to associate for the purpose of political expression, both of which are protected from Government interference by the Constitution. The ACLU has not been investigated by the Bureau. The Los Angeles chapter of the ACLU has circulated a petition calling for abolition of the House Committee on Un-American Activities and, in 1958, the Seattle chapter recommended an investigation of the FBI.

Rosary Society of Sacred Heart Church
324 Ridge Road
Lyndhurst, New Jersey

25

J. Edgar Hoover, Dir.
Federal Bureau of Investigation
Washington, D. C.

b6
b7C

Congratulations and thank you for the fine work you and your department have been doing all these past years to protect us against communism. May God grant us many more years of your service.

[redacted] Spiritual Action in our Rosary Society,
I have been trying very hard to bring your literature on how to combat
communism, to the attention of our members.

Through the very prompt and courteous attention of our local F. B. I. office I was fortunate to bring some of this information to two hundred people last Tuesday evening at which time we had a speaker on narcotics. This speaker connected narcotics with communism.

I also belong to a citizen's League for Decent Literature in our town.

Since the connection of dope with communism made such an impression on peoples attitudes I felt if we could proove to them

8-10

that obscene literature, immoral movies and T. V. Shows were also connected with communism we might be more successful in our efforts to awaken the people of our town.

Mr. Hoover, if you can send me this information we will surely put it to good use through all our churches and civic groups.

We have groups in our vicinity that seem to be very much opposed to the Name of God in public places, oppose our groups who advocate decent literature and are watchdogs for children that say prayers in school. The main group is the American Civil Liberties Union. I wonder if they have ever been investigated?

Mr. Hoover, I thank you for any information you can give me.

Sincerely yours

2E

b6
b7C

Rosary Society of Sacred Heart Church

324 Ridge Road

LYNDHURST, NEW JERSEY

2E

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. DeLoach	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Lyndhurst, N.J.
March 8, 1965

b6
b7C

J. Edgar Hoover, Dr.
Federal Bureau of Investigation
Washington, D.C.

Dear Sir:

American Civil Liberties Union

Congratulations and thank you for the fine work you and your department have been doing all these past years to protect us against Communism. May God grant us many more years of your service.

Rosary Society, I have been trying very hard to bring your literature on how to combat Communism, to the attention of our members.

Through the very prompt and courteous attention of our local F.B.I. office I was fortunate to bring some of this information to many hundred people last Tuesday evening at which time we had a speaker on narcotics. This speaker connected narcotics with Communism.

CORRESPONDENCE

EXP. PROC.
MAR 10 1965

EX-117

REC-34

2 MAR 1965

ack 3/15/65
wm

3-11-65

3-11-65

I also belong to a city's League for Decent Literature in our town.

Since the connection of dope with Communism made such an impression on people's attitudes I felt if we could prove to them that obscene literature, immoral movies and T. V. Shows were also connected with Communism we might be more successful in our efforts to awaken the people of our town.

Mr. Hoover, if you can send me this information we will surely put it to good use through all our churches and Civic groups.

We have groups in our vicinity that seem to be very much opposed to the Name of God in public places, oppose our groups who advocate decent literature and are watchdogs for children that say prayers in school. The main group is the American Civil Liberties Union. I wonder if they have ever been investigated?

Mr. Hoover, I thank you for any information you can give me.

Sincerely yours

REC-961-190-1110

March 16, 1965

22

[REDACTED]
El Segundo, California

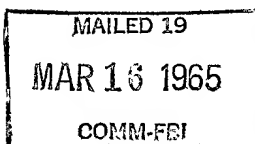
b6
b7C

Dear Mr. [REDACTED]

Your letter of March 10th, with enclosures, has been received.

With respect to your inquiry, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. Therefore, I trust you will understand why this Bureau has not issued a list such as you mentioned.

Enclosed is some literature which I trust will be of assistance. Material which this Bureau is privileged to disseminate is sent free of charge. Therefore, I am returning the check and stamped, self-addressed envelope you so thoughtfully forwarded.



Sincerely yours,

J. Edgar Hoover

Mar 16 4 20 PM '65
REC'D-READING ROOM
FBI

Enclosures (7)
Domestic Intelligence
Our Heritage of Greatness
Let's Fight Communism Sanelly!
U. S. News and World Report, 12-21-64
The Communist Menace

NOTE: Correspondent is not identifiable in Bufiles.

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

DTP:lsq (3)

MAR 23 1965

MAIL ROOM ☐

TELETYPE UNIT ☐

edm

duy

TRUE COPY

2E

[Redacted]
El Segundo
California
3-10-1965

b6
b7C

Federal Bureau of Investigation

Gentlemen:

Some time ago I became a contributor to the
American Civil Liberties Union. Since then I have been informed
that the organization is listed by the F.B.I. as a subversive
organization.

As I am a loyal American citizen I do not wish to
contribute to such a group if that is so.

Please inform me if there is any truth to the
charge, and if so to what extend.

Enclosed is my check for any expense incurred.

Thank You,

Sincerely

2E

/s/

[Redacted]

TC 3/15/65
leg

Ack 3/16/65
DTP: leg/llog

B

8 RTP

REC-9

61-190-1110

21 MAR 17 1965

JE

[Redacted]
El Segundo
California
3-10-1965

Federal Bureau of Investigation

b6
b7c

Gentlemen,

Some time ago I became a contributor to the American Civil Liberties Union. Since then I have been informed that the organization is listed by the F.B.I. as a subversive organization.

As I am a loyal American citizen I do not wish to contribute to such a group if that is so.

Please inform me if there is any truth to the charge, and if so to what extent.

Enclosed is my check for any expense incurred.

Thank You.

JE

[Redacted]

ITC 3/15/65

ack 3/14/65
DTP: [signature] 3/1/65

285

encl

check for \$1.00
ENCLOSURE

CORRESPONDENCE

2E

Scottsdale, Arizona
March 8, 1965

b6
b7C

House Committee on Un-American Activities
(Congressman Edwin Willis, Chairman)
Washington, D. C.

Gentlemen:

In view of the continuous string of Communist supporting protests of the American Civil Liberties Union, (ACLU), I would like to suggest that you place them high on your list of organizations to be investigated. I definitely feel that from its past record, the ACLU should be put on the Attorney General's List of Subversive Organizations.

Sincerely yours,

2E

cc: U. S. Attorney General
Nicholas Katzenbach
Washington, D. C.

cc: J. Edgar Hoover
Washington, D. C.

REC-32

44-190-1111

MAR 17 1965

60 MAR 22

no sub - copy
CORRESPONDENCE

March 17, 1965

REC-9

61-198-1112

Mar 17 3 27 PM '65
REC'D-READING ROOM
FBI

Shakopee, Minnesota 55379

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b7c

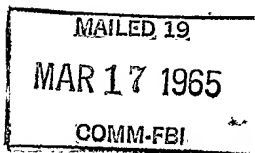
Dear Mrs. [redacted]

Your letter of March 10th has been received, and you may be sure your prayers and kind sentiments mean a great deal to me.

With respect to your inquiry, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. I regret I cannot be of help in this instance but trust you understand the necessary reasons for this policy. It is hoped you will not infer either that we do or do not have data in our files regarding the organization about which you asked.

Sincerely yours,

J. Edgar Hoover



NOTE: Bufiles contain nothing derogatory concerning correspondent, and our last outgoing to her was dated 3-1-65. The publication, "Christ Losing His World," is not identifiable in Bufiles. The American Civil Liberties Union has never been investigated by the FBI.

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
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Conrad _____
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Sullivan _____
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Tele. Room _____
Holmes _____
Gandy _____

DFC:kcf (3)

MAIL ROOM ☐ TELETYPE UNIT ☐

TRUE COPY

2E

Shakopee, Minnesota
March 10, 1965

Mr. J. Edgar Hoover
United States Department of Justice
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

Our Sunday Visitor Press of Huntington, Indiana published a pamphlet entitled 'Christ Losing His World' in which it stated that The American Civil Liberties Union is a Communist front. Is this true?

I also heard the statement that The American Civil Liberties Union is becoming stronger right along.

If you can, will you please answer the above two statements?

Again, I wish to say God bless you in your work and want to tell you that you are remembered in our prayers at home and in Church. We surely need you.

Sincerely yours in Christ,

b6
b7C

2E

Shakopee, Minnesota 55379

P. S. Thank you for your previous letter and enclosures concerning Civil Rights, etc.

1TC uff
3-16-65
ack 3-17-65
DFC/lbf
mm2

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. DeLoach	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

2E

Shakopee, Minnesota
March 10, 1965

Mr. J. Edgar Hoover
United States Department of Justice
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

2pp Our Sunday Visitor Press of Huntington, Indiana published a pamphlet entitled "Christ Losing His World" in which it stated that The American Civil Liberties Union is a Communist front. Is this true?

I also heard the statement that The American Civil Liberties Union is becoming stronger right along.

If you can, will you please answer the above two statements?

Again, I wish to say God bless you in your work and want to tell you that you are remembered in our prayers at home and in Church. We surely need you.

REC-9 61-196-1112

Sincerely yours in Christ,

[Redacted Signature]

Shakopee, Minnesota 55379

EXP. PROC.
38 MAR 15 1965

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2E

3 MAR 16 1965

1 TC uff
3-16-65
ack 3-17-65
DFC/plf
MAR 12 10 10 AM '65

enc P.S. Thank you for your previous letter and enclosures concerning Civil Rights, etc.

CORRESPONDENCE

REC-113

61-190-11/3

2E

b6
b7C

With respect to your inquiry regarding the American Civil Liberties Union, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. I hope you will understand my position.

COMM-FEI

J. Edgar Hoover

in accordance
available
position.

V. p. 123
J. p. 123
123
123

Tolson _____
Belmont _____
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DeLoach _____
Casper _____
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Sullivan _____
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Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

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LE ROOM ☐
Edm

Mr.

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In connection with this, it is noted that the 34th Annual Report of the American Civil Liberties Union (for the year 1954) reaffirms the anticommunist and antifascist policy of the organizations and maintains its intention to defend civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which an individual may belong.

TRUE COPY

2E

[Redacted]
Decatur, Georgia

Federal Bureau of Investigation
Washington, D. C.

b6
b7C

Dear Sirs:

I would be very appreciative if you would
send me some information on the American Civil Liberties
Union. If you have investigated this organization, would
you please send me a report of the investigation. Thank
you. ||

Yours sincerely,

2E

/s/

[Redacted]

Date per postmark: March 13, 1965.

W

REC-113

61-190-1113

9 MAR 18 1965

8-48

*1-TC 3-17-65 alb
ack 3-17-65 EFT/alt*

2E



Decatur, Georgia

Federal Bureau of Investigation
Washington, D. C.

b6
b7c

Dear Sirs:

I would be very appreciative if you would send me some information on the American Civil Liberties Union. If you have investigated this organization, would you please send me a report of the investigation. Thank you.

Yours sincerely,

2E



ack
3-17-66
EFT/alt

1-TC 3-17-66 alt

CORRESPONDENCE

April 2, 1965

EX-114

61-190-1114

REC-41



Waco 10, Texas

b6
b7C

Dear Mr.

Your letter of March 29th has been received.

With respect to your inquiry, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. Further, the FBI being an investigative agency of the Federal Government neither makes evaluations nor draws conclusions as to the character or integrity of any organization, publication, or individual. Therefore, I trust you will understand why I am not in a position to be of help in this instance and hope you will not infer either that we do or do not have data in our files relating to the American Civil Liberties Union.

Enclosed is some literature I trust will be of interest to you.

MAILED 6

APR 2 - 1965

COMM-FBI

Sincerely yours,

J. Edgar Hoover

Enclosures (5)

Counterintelligence Activities
Let's Fight Communism Sanely!
"Our Heritage of Greatness"
Communism--The Incredible Swindle
LEB Intro - 4-1-61

Note: Correspondent is not identifiable in Bufiles.

DTP:cs

(3)

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

77 APR 12 1965

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APR 2 4 36 PM '65
REC'D-READING RM
FBI

Handwritten signatures and initials:
DTP
Viper
D/A
J. Edgar Hoover

RL
J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D.C.

March 29, 65

Dear Sir: O

Is the American Civil Liberties Union a
Communist Party front group? Has it been infiltrated
by Communists? Do its activities substantially
coincide with Communist Party policies by coincidence,
by design; or are its activities substantially in
disagreement with Communist Party policies?

Would you characterize the American Civil
Liberties Union as patriotic?

Thankyou.

b6
b7c

EX -



61-190-1114

Waco 10, Texas

18 APR 5 1965

REC-41

CORRESPONDENCE

ACK: 4/2/65
DTP: 8

nml

ACLU Discounts Obscenity Danger

By Stephen C. Rogers
Washington Post Staff Writer

The American Civil Liberties Union and the Conference to Combat Obscenity found yesterday that though neither favors pornography, they agree about little else.

Two ACLU officials spoke to the final session of the two-day Conference after being introduced in terms that implied they were Devil's advocates.

The ACLU has participated in the defense of persons accused of obscenity law violations on the ground that the defendants were exercising their right to free speech.

The ACLU yesterday disputed the Conference's view that obscenity, unless checked, "will quickly lead to the moral and physical decay of our nation."

"We have never found proof that sex literature leads to crime," said Harriet Piltel, an ACLU director.

Some evidence suggests, she said, that such material may provide a "safety valve" for persons who might otherwise erupt into harmful behavior.

Dr. William P. Riley, president of the New York State Citizens for Decent Literature, did not accept this view.

A lack of statistical evidence, he said, "does not mean there is no causal relationship" between pornography and crime.

"We don't want to wait until an entire generation is corrupted for proof of a one-to-one relationship" between obscenity and its effect, he said. "The preponderance of evidence is on our side."

The ACLU's executive director, John deJ. Pemberton, said obscene material is a reflection, not a cause, of the lack of a sexual ethic which resulted from the rejection of Victorian morality.

"We must construct a new sexual morality," Pemberton said, "and how can we do that if we can't talk about it?"

The Conference later adopted resolutions urging Congress to strengthen anti-obscenity laws and "to enlist other concerned citizens in the crusade to outlaw the peddling

Pemberton, however, maintained that censorship "just doesn't work."

And, he warned, "the trouble is that censorship always spills over into the world of ideas."

Another resolution labelled Washington as apparently the "smut capital of the nation."

During the Conference, about 50 delegates heard speeches on such topics as "The Fifth Freedom — Freedom from Filth," "Pornography is Big Business," and "The Menace of the Nudist Magazines."

Yesterday delegates saw a film distributed by the Citizens for Decent Literature, an organization headquartered in Cincinnati which claims more than 300 affiliates in the United States.

The film, entitled "Perversion for Profit," concluded with words that seemed to sum up the aims of the Conference—"Oh, God, deliver us—Americans—from evil."

Tolson ☒
Belmont ☒
Mohr ☒
DeLoach ☒
Casper ☒
Callahan ☒
Conrad ☒
Felt ☒
Gale ☒
Rosen ☒
Sullivan ☒
Tavel ☒
Trotter ☒
Tele Room ☒
Holmes ☒
Gandy ☒

The Washington Post and Times Herald ☒ A16
The Washington Daily News ☐
The Evening Star ☐
New York Herald Tribune ☐
New York Journal-American ☐
New York Daily News ☐
New York Post ☐
The New York Times ☐
The Baltimore Sun ☐
The Worker ☐
The New Leader ☐
The Wall Street Journal ☐
The National Observer ☐
People's World ☐
Date ☐

161-190-A-
NOT RECORDED
176 MAR 26 1965

MAR 24 1965

67 MAR 29 1965

• 3



I have a grave concern over some recent developments

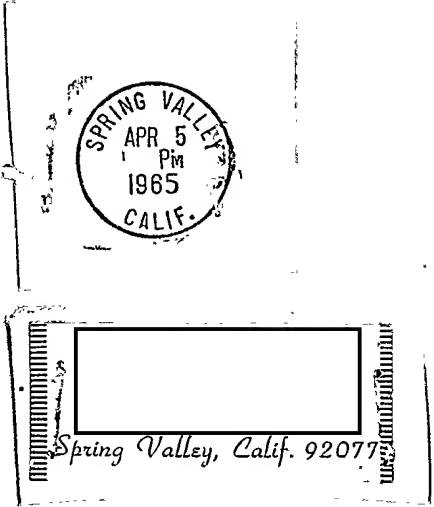

One person running for election, a [redacted] member of American federation of teachers, [redacted] of AF of T, [redacted] grade teachers in our school system, and now both admitted members of the American Civil Liberties Union.

What do we do-? Where can I possibly get information
on the A.C.L.U. to show my friends?

I need and would greatly appreciate any suggestion or information you could possible send regarding them.

Thanking you for any help possible.

--



61-190-1115

21 APR 14 1965

EX-101
ack 4-13-65
W.A. Mord

1 TC 4-12-65 *med*

6/Dec

mm

m
13

4-2-65

Dear Mr. Hoover,

I have a grave concern
over some recent developments in
our school board campaign
^{person running for election}
one member, a [redacted]
[redacted] member of American
Dedication of Teachers [redacted]
[redacted] of AF of T [redacted] grade
Teachers in our school system, and
now both admitted members of
the American Civil Liberties Union.
What do we do - ?

b6
b7C

where can I possibly get information
on the A.C.U. to show my friends?

I need and would greatly
appreciate any suggestion or
information you could possibly
send regarding them.

Thanking you for any
help possible.

RESPONSE

[Signature]

[Redacted Address Block]

April 13, 1965

REC 61

61-190-1115

EX-101

b6
b7C

REC'D-READING ROOM

FBI

APR 13 10 31 AM '65

Spring Valley, California 92077

Dear Mrs. [redacted]

Your letter of April 5th has been received.

While I would like to be of assistance, information contained in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice. In view of this, I am sure you will understand why I cannot comment along the lines of your inquiry nor can I suggest a source where you can obtain the information you desire.

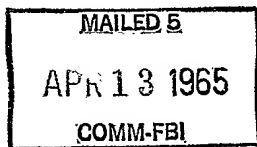
Sincerely yours,

J. Edgar Hoover

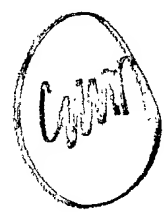
NOTE: Correspondent is not identifiable in Bufiles.

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(3)

med



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Wentworth
Jim



- Tolson _____
- Belmont _____
- Mohr _____
- DeLoach _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

edm

Rob

145

64 APR 22 1965 MAIL ROOM TELETYPE UNIT

May 12, 1965

REC 5

61-198-1116

Valparaiso, Indiana 46383

Dear Mr. [REDACTED]

Your letter dated May 5th has been received.

In response to your inquiry regarding the American Civil Liberties Union, the FBI is strictly an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions regarding any organization, publication or individual. Please do not infer from my inability to be of aid either that we do or do not have related data in our files.

Enclosed are publications I hope you find of interest.

Sincerely yours,

J. Edgar Hoover

Enclosures (5)

"Our Heritage of Greatness"

The FBI's Role in the Field of Civil Rights

U. S. News and World Report 12-21-64

4-1-65 LEB Intro

The FBI... Guardian of Civil Rights

NOTE: Correspondent sent a short note of commendation dated 11-22-64 relative to Mr. Hoover's press conference on 11-18-64, and Bulet 11-30-64 expressed appreciation. He is otherwise not identifiable in Bufiles. (62-109811-1415)

DCL:pjf (3)

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Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

MAY 19 1965

TELETYPE UNIT

TRUE COPY

2E



Valparaiso, Ind 46383

b6
b7C

Mr. J. Edgar Hoover
Head of the F. B. I.
Washington D. C.

5-5-65

Dear Mr Hoover;

In view of the fact, that the American Civil
Liberteis Union is active in my area. I would like to know
if this is a Communist front Organization

Respectfully Yours

2E



A

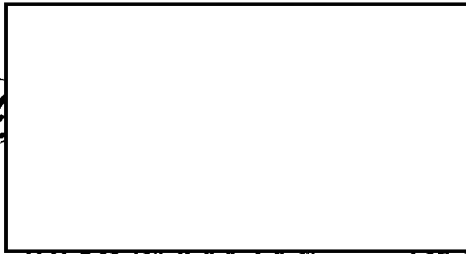
1 TC 5-11-65 mel
ack 5-12-65
DCU: mel / RJJ
mmh

EX-112 REC 5

61-190-1116

2 MAY 13 1965

gjal



b6
b7C

unpaginated, encl 46383

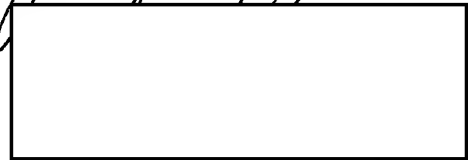
Mr. J. Edgar Hoover
Head of the F.B.I.
Washington D.C.

5-5-65

Dear Mr Hoover;

In view of the fact, that the
American Civil Liberties Union is active
in my area. I would like to know
if this is a Communist front Organization

Respectfully Yours



1 TC 5-11-65 mel
ack 5-18-65
JCB:mel
mel 1P/H

MAY 10 3 12 PM '65

RECORDED

1742

CORRESPONDENCE

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: MAY 5, 1965

FROM : W. P. Callahan

SUBJECT: The Congressional Record

Pages 8989-8995. Senator Long, (D) Missouri, requested to have printed in the Record an article entitled "The Wiretapping Problem Today," written by Herman Schwartz, associate professor of law, Buffalo School of Law, and formerly assistant counsel on the Senate Antitrust and Monopoly Subcommittee. Mr. Long stated "The article which is very current was written for the American Civil Liberties Union and contains a wealth of factual information. It should be of considerable interest to the Senate." This article states "In 1942,

however, the Supreme Court began to show a more permissive attitude toward wiretapping and other forms of electronic eavesdropping. - - - Even before the Supreme Court's more permissive attitude the U. S. Department of Justice served notice that it would tap. Originally, in the late twenties and thirties, U. S. Attorneys General, FBI Director J. Edgar Hoover, and other Federal officers stated that they disapproved of wiretapping and did none. The article goes on to state "Despite the clamor for wiretapping by certain prosecutors no clear case has yet been made for its necessity." It points out that on the Federal level, until recently, there has been less enthusiasm for wiretapping than might be expected; however, the Justice Department has recently proposed legislation and endorsed a similar bill in May 1961. In March 1961 Attorney General Kennedy declared that he "would not be in favor of its use under any circumstances—even with the court's permission—except in certain capital offenses," which he listed as 'murder, treason, and kidnapping.' Similarly, although FBI Director J. Edgar Hoover now appears converted to the cause of wiretapping, at various times in the last 30 years, he has called it 'unethical,' 'a handicap,' and 'a handicap to the development of sound investigational techniques.' The article goes on "No evidence has been submitted of a single case where the lack of legal wiretapping was indispensable, or where the lack of wiretapping significantly hampered operations. Indeed, will sensible espionage ever use the telephone? Of course, there have been many statements and representations that the lack of wiretapping authority is a serious hindrance in this area but no demonstration with examples and analysis has yet been made."

238
In the original of a memorandum captioned and dated as above, the Congressional Record for MAY 4, 1965 was reviewed and pertinent items were referred to the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

ORIGINAL FILED IN 66-1731-2692

61-190-
RECORDED

69 JUN 1 1965

MAY 26 1965



New York Civil Liberties Union

Affiliated with the American Civil Liberties Union

156 FIFTH AVENUE • NEW YORK, N. Y. 10010 • ORegion 5-5990

George E. Rundquist
Executive Director
Aryeh Neier,
Deputy Director
Henry M. di Suvero
Staff Counsel

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International Work Adviser

URGENT NOTICE

Annex Civil Liberties Union

Dear NYCLU Member:

I write to you on two matters of great urgency. Both call for immediate action by NYCLU members.

1. Contact your Congressmen--in the House and the Senate--to express your opposition to any tampering with the U. S. Supreme Court decision guaranteeing one-man one-vote in the apportionment of state legislatures.

While it has received relatively little attention, there is great danger that a constitutional amendment, the Dirksen amendment, will pass. The amendment would allow one house of a state legislature to be apportioned on the basis of factors other than population--race, cows, trees--anything. It could easily make a mockery of the voting rights bill--and no court would have the power to overturn it.

The Dirksen amendment is doing very well in the state legislatures. It must be defeated in Congress.

New York's Senator Jacob Javits has supported the Dirksen amendment. Let's try and persuade him to change his vote.

2. Contact your state representatives in Albany and Governor Rockefeller in support of abolition of capital punishment. The movement for abolition is beginning to run down. An outpouring of letters from NYCLU members could bring it back to life (pun intended).

A list of NYCLU area Congressmen and State Representatives is enclosed. Also enclosed, you will find a post card to return to our office. We want to know how many NYCLU members will contact their representatives in response to a letter like this.

Sincerely,

Aryeh Neier

Aryeh Neier

Receivable Satellite

AN:mb

ENCLOSURE

ENCLOSURE ATTACHED

60 MAY 24 1965

ESTABLISHED 1931 — INCORPORATED 1951

Received in a bundle
of publications from
SAC, New York, 5-13-65
E. Amb.



ENCLOSURE

ENCLOSURE

61-190-1118

PLACE
STAMP
HERE

NEW YORK CIVIL LIBERTIES UNION

156 FIFTH AVENUE

NEW YORK, N. Y. 10010

1. I have written to the following public officials about the Dirksen Amendment:

☐ Sen. Jacob Javits

☐ Sen. R. F. Kennedy

☐ My Congressman District No. _____

2. I have written to the following public officials about Capital Punishment:

☐ Gov. Nelson Rockefeller

☐ My State Senator District No. _____

☐ My Assemblyman County _____ District No. _____

Name _____

Address _____

City _____ Zip Code _____

NYCLU AREA PUBLIC OFFICIALS

State Assemblymen

Dist.	County	Name	Dist.	County	Name
1	Bronx	Donald J. Sullivan (D)	1	New York	William F. Passannante (D)
2		Seymour Posner (D)	2		Louis F. DeSalvio (D)
3		Jerome Schutizer (D)	3		Jerome Kretchmer (D)
4		Eugene Rodriguez (D)	4		Jerome W. Marks (D)
5		Melville E. Abrams (D)	5		Albert H. Blumenthal (D)
6		Murray Lewinter (D)	6		Paul J. Curran (R)
7		John T. Satriale (D)	7		Daniel M. Kelly (D)
8		Alexander Chananau (D)	8		John M. Burns (R)
9		Burton Hecht (D)	9		S. William Green (R)
10		Ferdinand J. Mondello (D)	10		Carlos M. Rios (D)
11		Aileen B. Ryan (D)	11		Percy E. Sutton (D)
12		Fred W. Eggert (D)	12		Mark T. Southall (D)
			13		Orest V. Maresca (D)
1	Kings	Max M. Turshen (D)	14		Jose Ramos-Lopez (D)
2		Noah Goldstein (D)	15		John J. Walsh (D)
3		Joseph J. Dowd (D)	16		Frank G. Rossetti (D)
4		Harold W. Cohn (D)			
5		Leonard E. Yoswein (D)	1	Queens	Thomas V. LaFauci (D)
6		Bertram L. Baker (D)	2		Thomas P. Cullen (D)
7		Louis Kalish (D)	3		Robert E. Whelan (D)
8		William J. Ferrall (D)	4		Jules G. Sabbatino (D)
9		Robert F. Kelly (R)	5		Martin M. Psaty (D)
10		Walter E. Cooke (D)	6		Michael G. Rice (D)
11		George A. Cincotta (D)	7		Moses M. Weinstein (D)
12		Dominick L. DiCarlo (R)	8		Michael J. Capanegro (D)
13		Lawrence P. Murphy (D)	9		Fred W. Preller (R)
14		Edward A. Kirmel (D)	10		Martin Rodell (D)
15		Alfred A. Lama (D)	11		Kenneth N. Browne (D)
16		Salvatore J. Grieco (D)	12		J. Lewis Fox (D)
17		Shirley Chisholm (D)	13		Frederick D. Schmidt (D)
18		Stanley Steingut (D)			
19		Joseph Kottler (D)	1	Richmond	Edward J. Amann, Jr. (R)
20		Joseph R. Corso (D)	2		Lucio F. Russo (R)
21		Bertram L. Podell (D)			
22		Anthony J. Travia (D)			
			1	Suffolk	Perry B. Duryea, Jr. (R)
1	Nassau	Francis T. Purcell (R)	2		Prescott B. Huntington (R)
2		Jerome R. McDougal (D)	3		John G. McCarthy (R)
3		John E. Kingston (R)			
4		Edwin J. Fehrenbach (R)	1	Westch.	Thomas J. McInerney (D)
5		Herbert Sachs (D)	2		Lawrence A. Cabot (D)
6		John S. Thorpe (D)	3		George E. VanCott (R)
			4		Anthony B. Gioffre (R)
			5		John J. S. Mead (R)
			6		Richard A. Cerosky (R)

NYCLU AREA PUBLIC OFFICIALS

How To Address Public Officials

U. S. Senator:

Honorable John Doe
United States Senate
Washington 25, D. C.
(Salutation: Dear Sir or Dear
Senator Doe)

U. S. Representative:

Honorable John Doe
House of Representatives
Washington 25, D. C.
(Salutation: Dear Sir or Dear
Mr. Doe)

Governor:

Honorable John Doe
Executive Chamber
Albany 1, N. Y.
(Salutation: Sir or Dear
Governor Doe)

Assemblyman:

Honorable John Doe
New York State Assembly
Albany 1, N. Y.
(Salutation: Dear Sir or Dear
Mr. Doe)

State Senator:

Honorable John Doe
New York State Senate
Albany 1, N. Y.
(Salutation: Dear Sir or Dear Senator Doe)

Governor: Nelson A. Rockefeller

U. S. Senators: Jacob K. Javits, Robert F. Kennedy

Representatives in Congress

District	Name	District	Name
1	Otis G. Pike (D)	14	John J. Rooney (D)
2	James R. Grover, Jr. (R)	15	Hugh L. Caréy (D)
3	Lester L. Wolff (D)	16	John M. Murphy (D)
4	John W. Wydler (R)	17	John V. Lindsay
5	Herbert Tenzer (D)	18	Adam C. Powell (D)
6	Seymour Halpern (R)	19	Leonard Farbstein (D)
7	Joseph P. Addabbo (D)	20	William F. Ryan (D)
8	Benjamin S. Rosenthal (D)	21	James H. Scheuer (D)
9	James J. Delaney (D)	22	Jacob H. Gilbert (D)
10	Emanuel Celler (D)	23	Jonathan B. Bingham (D)
11	Eugene J. Keogh (D)	24	Paul A. Fino (R)
12	Edna F. Kelly (D)	25	Richard Ottinger (D)
13	Abraham J. Multer (D)	26	Ogden R. Reid (R)

State Senators

Dist.	County	Name	Dist.	County	Name
1	Suffolk	Elisha T. Barrett (R)	17	Kings	Samuel L. Greenberg (D)
2	Nassau	Norman F. Lent (R)	18		Edward S. Lentol (D)
3		Henry M. Curran (R)	19	Richmond	John J. Marchi (R)
4		Edward J. Speno (R)	20	New York	Frederic S. Berman (D)
5	Queens	Jack E. Bronston (D)	21		- Vacancy -
6		Irving Mosberg (D)	22		Jerome L. Wilson (D)
7		Seymour R. Thaler (D)	23		Joseph Zaretzki (D)
8		Thomas A. Duffy (D)	24		Paul P. Bookson (D)
9		Thomas J. Mackell (D)	25		Manfred Ohrenstein (D)
10	Kings	Simon J. Liebowitz (D)	26	Bronx	Harry Kraf (D)
11		William C. Thompson (D)	27		Ivan Warner (D)
12		Jeremiah B. Bloom (D)	28		Abraham Bernstein (D)
13		Guy James Mangano (D)	29		Joseph E. Marine (D)
14		William T. Conklin (R)	30	Westch.	Max B. Berking (D)
15		Irwin Brownstein (D)	31		Bernard G. Gordon (R)
16		William Rosenblatt (D)	32		Royden A. Letsen (D)

(over)

RE:

BERNARD S. LEE V. CLARENCE M. KELLEY, ET AL.
(U.S.D.C., D.C.) CIVIL ACTION NUMBER 76-1185

SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (SCLC)
V. CLARENCE M. KELLEY, ET AL (U.S.D.C., D.C.)
CIVIL ACTION NUMBER 76-1186

Serial 1117 pulled from this file under court order of
U.S. District Judge John Lewis Smith, Jr., and sent to
National Archives.

EX 109

May 19, 1965

REC-19

61-190-1119

BP

[Redacted]
Duncan, Oklahoma

b6
b7C

May 19 12 22 PM '65
REC'D-READING ROOM
FBI

Dear Mrs. [Redacted]

Your letter of May 15th has been received.

With respect to your inquiries regarding the American Civil Liberties Union, information in FBI files must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. I am sure you will understand the reason for this policy and why I am not in a position to comment as you desire. I hope you will understand my inability to be of assistance to you.

Sincerely yours,

J. Edgar Hoover

1 - Oklahoma City - Enclosure

ATTENTION SAC: Your attention is called to correspondent's statement on page 2 regarding her contact with personnel of your office. You should point out to all personnel that answers in such cases should be either that our files are confidential or that we do not make evaluations of any organizations.

NOTE: Correspondent is not identifiable in Bufiles. Her lengthy letter deals with her inability to obtain water service because she did not pay for the garbage service billed to her by the city of Duncan. She has contacted several local attorneys who have told her that they did not believe she could win a case in court against the city. She is now considering contacting the American Civil Liberties Union, but as a staunch conservative, is concerned as to whether this organization is communistic or not as she does not want to become involved with any group that is not following American principles. She indicates she contacted the Oklahoma City Office and was referred to her local library for subversive listing.

EFT:cai

MAILED 10
MAY 19 1965
COMM-FBI

Tolson _____
Belmont _____
Mohr _____
DeLoach _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

[redacted]
Duncan, Oklahoma
May 15, 1965

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover:

Perhaps I have become "overly sensitive" these past few days due to my nerve-wracking experiences, but I need my ~~Birth~~ restored in Government, the FBI (locally) and the human being; and since my faith has never waivered in you, I feel it necessary to report an experience of mine to you and ask your advice as well as for answers to some questions I have.

b6
b7C

For a little background, I am in need of an attorney to handle a case for me against the City of Duncan because they have discontinued my water service; their reasons being I would not pay for garbage service I did not receive, did not want, and did not need. I had so advised them and until I changed electrical service from the City to a private power company, I was not charged with this garbage service and consdquently did not pay for it. After the change of electrical service, the City Manager began charging garbage service and as a result I have not had water since Wednesday morning of this week.

I have contacted local attorneys and though they agree with me that it seems to be an excessive use of police powers, and certainly a case of denying a vital comodity to a citizen when there is no other source of this commodity; these attorneys are not interested in taking the case, and one told me frankly he did not believe I could win in District Court and that the case would have to go the whole course to the Supreme Court. The problem is, this is a Democrat controlled city; the City Attorney is "boss", and none of the local attorneys want to "cross" him.

I do not have the funds to fight in the courts all the way to the State Supreme Court without over-obligating my income. Since I have an invalid mother to take care of, I cannot take a chance on having her do without necessities because of my desire to see justice done. My husband works [redacted] (which doesn't pay its way

11 MAY 20 1965

CORRESPONDENCE

ack
5-19-65
EFF/cew

nmh

hardly, but keeps his mother, who is 80+ from feeling she is a ward of the state or dependent on us) and the money we receive from this source is not sufficient to pay more than the grocery bills.

Now to the problem at hand. In desperation, we have given thought to the American Civil Liberties Union, and have considered asking for their help. We, my husband and I, are both staunch conservatives, registered Republicans, and are active in the conservative affairs of this city. We are well known for our activities in this regard - which adds to the problem in this completely Democrat controlled town. (There has never been a Republican elected to any office from this area.)

I have had reason to suspect the American Civil Liberties Union - from the names of individuals who are connected with it, and the fact that, as I understand it, they defend Communists. We do not want to get involved with an organization, even to win, if it is not following our American principles. So, I tried to contact the local FBI office for advice. The telephone operator tried the Lawton office listed, but there was no answer. That seems strange to me. Then, we called the Oklahoma City office, which was a greater distance, thus more expense, and the man who answered referred me to our local library for a subversive listing. IS THAT CUSTOMARY? I am familiar with our local library, and there is much information not to be found there. I would think that the FBI would have information as current as a local library. Or am I asking for something the FBI is not in a possible position to furnish?

I know my personal problem is no concern of the FBI, and rightly so. All I wanted was information as to the status of an organization I was thinking of doing business with; and I was very dissappointed in the results of my efforts. I also know that you cannot police every branch of your organization constantly, and even the best efforts are sometimes not enough. Certainly no other organization is so consistently reliable as the FBI, but this is a problem, though personal, that I can not delay forever. After all, we have been without water for three days and we need help. Perhaps we should just pay the garbage fees and forget it, but that is why we have lost so many freedoms already - people would rather not get involved, and the cost of fighting for freedom is so expensive. But I don't believe the cost is too great - I just need help legally.

Can you rush me the answer to the status of the American Civil Liberties Union? Are all members the same as Mr. Abt (sp) of whom I have read? I will so appreciate it if you will do so, and if you could give me the name of a member of that organization in my area, who is not questionable, I will appreciate that also.

Sincerely and respectfully yours,

b6
b7C

May 19, 1965

REC-18

EX-105

61-190-1120

b6
b7C

Camp Hill, Pennsylvania

Dear Mr. [redacted]

Your letter of May 16th has been received.

In response to your request, information in our files must be maintained as confidential pursuant to regulations of the Department of Justice and is available for official use only. I am sure you will understand the reason for this policy and why I am not in a position to comment as you desire.

MAILED 10

MAY 19 1965

COMM-FBI

Sincerely yours,

J. Edgar Hoover

REC'D-READING ROOM
FBI
MAY 19 1 48 PM '65

NOTE: According to Bufiles, correspondent was last written on 2/23/65. An in-absence/on basis of incoming requesting reprint material to disseminate while indicating he had just distributed Red Stars Tract. We have had prior cordial correspondence with him. He was sent reprints on communism. American Civil Liberties Union is well known to the Bureau.

WAM:dll (3)

dll

Mr. Tolson _____
Mr. Belmont _____
Mr. Mohr _____
Mr. DeLoach _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

32
MAY 24 1965

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APR 23 1965
RECEIVED

PA
Keen
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20
Camp Hill, Pa. May 16, 1965.

2E

Mr. J. Edgar Hoover, Chief
Federal Bureau of Investigation
Department Of Justice
Washington, D. C.

~~Miscellaneous~~

Dear Mr. Hoover:

Will you please give me information about the American
Civil Liberties Union?

It is my understanding it is a subversive organization.

My reason for the inquiry is because our Grandson, a
Freshman at Dartmouth, is associating with a group belonging, I am told,
to the above mentioned org anization.

If my thoughts are correct about the ACLU I sincerely
hope we can get him to see things more clearly, with your help, before
the present school year closes. Thank you very much inddeed for any infer-
mation you care to furnish me.

Very Sincerely,



A

26 So. 24 St.

b6
b7C

EX 105

REC-18

61-190-1120

11 MAY 20 1965

MAY 10 11 30 AM '65

CORRESPONDENCE

ack 5-19-65
WAM:dl
H
m

May 22, 1964

REC-32

61-190-1121

[Redacted]

Seattle 6, Washington

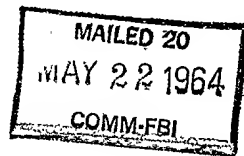
b6
b7c

Dear Mr. [Redacted]

Your letter of May 19th has been received, and I want you to know how much I appreciate your congratulations on my Anniversary.

In response to your request for data about the American Civil Liberties Union, information in the files of the FBI must be maintained as confidential in accordance with regulations of the Department of Justice and is available for official use only. I have neither indicated approval nor disapproval of the activities of this organization.

Enclosed is literature it is hoped will be of interest to you.



Sincerely yours,

J. Edgar Hoover.

Enclosures (3)
Faith in Freedom, 12-4-63
Internal Security Statement, 4-17-62
The Communist Party Line

NOTE: Correspondent cannot be identified in Bufiles.

JH:kcf (3)

✓ Sme [Signature] RST

- Tolson _____
- Belmont _____
- Mohr _____
- Casper _____
- Callahan _____
- Conrad _____
- DeLoach _____
- Evans _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

JUN 2 - 1965

MAIL ROOM ☐ TELETYPE UNIT ☐

May 27 2 32 PM '64
REC'D-READING ROOM
FBI

[Handwritten signature]

[Handwritten initials]

[Handwritten mark]

[Handwritten signature]

[Handwritten initials]

TRUE COPY

The Ridpath Hotel & Motor Inn · Spokane, Washington



Seattle, 6 - Wash.

Mr. J. Edgar Hoover
Dept. of Justice
Washington, D.C.

b6
b7c

Dear Mr. Hoover,

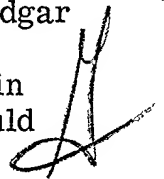
Congratulations on your first 40 years with the F.B.I.

Would you please send me copies of statements you have made concerning the American Civil Liberties Union?

In my home town, Seattle, there is a rather spirited controversy over the A.C.L.W. and neighbors on both sides of this issue quote "J. Edgar Hoover" as the "final authority" on the subject.

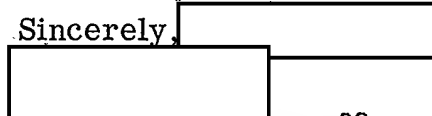
It seems unlikely to me that you could be on both sides of this issue and the only way to find out where you stand is to ask.

Last evening in this hotel one man said that J. Edgar Hoover says, "The A.C.L.U. is the bulwark of Communism in America" and another quoted you as saying "The A.C.L.U. is in the front lines defending our freedoms"--I am confused and would like to know what you really believe and have said.



/s/

Sincerely,



Seattle 6 - Wash

REC-32

61-190-1121

11 MAY 25 1965

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JH/kbf
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DE

Sincerely,

Seattle 6-WASH.



The Ridpath

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Seattle 6-WASH

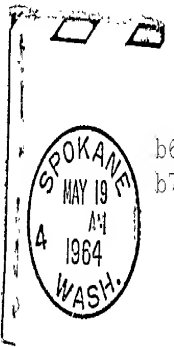
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b6
b7C

LTC:bf
5-22-64

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ack 5-22-64
JH/bf

don

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American Civil Liberties Union

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Incorporated

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Directors Emeritus

7 June 1965

The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Ninth Street & Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Mr. Hoover:

Our attention has been drawn to the statement by Congressman J. Arthur Younger of California in the House of Representatives on May 26, in which he comments on the recent controversy at the University of California (Berkeley) as the first test of a Communist plan to embarrass the nation's universities and colleges.

In his statement, Congressman Younger cites a recent newspaper account of a speech by President Eric Walker of Pennsylvania State College to the effect that in March, he and most university presidents were warned by the FBI of a forthcoming effort to embarrass the universities and colleges of America by utilizing fake students and teaching assistants and using such slogans as "free speech" -- all to be financed by "foreign money."

Naturally the American Civil Liberties Union has an interest in the FBI statement mentioned by President Walker, but we withhold comment until we have had an opportunity to read the text. We would appreciate your sending us a copy of this statement for our review.

Sincerely yours,

John de J. Pemberton, Jr.

JDJP:frb

3 JUN 11 1965

May 25, 1965

61-190-

011072

Lockport, New York

b6
b7C

Dear Mrs. [redacted]

Your letter of May 19th has been received.

In response to your request, information in our files must be maintained as confidential pursuant to regulations of the Department of Justice and is available for official use only. I am sure you will understand the reason for this policy and why I am not in a position to comment as you desire concerning the Anti-Defamation League of B'nai B'rith or its president.

The House Committee on Un-American Activities has as one of its primary responsibilities the recommendation of appropriate legislation regarding subversive activities to the Congress. I have always felt the Committee makes a contribution in its public disclosure of the forces that menace America.

The film, "Operation Abolition," is sponsored and distributed by the House Committee on Un-American Activities, and the FBI had no connection with its preparation. You may desire to direct your request to the Committee which is located in Room 225, Cannon House Office Building, Washington, D. C. 20515.

Enclosed is some material I hope you will find of interest.

Sincerely yours,
J. Edgar Hoover

MAILED 5
MAY 25 1965
COMM-FBI

Enclosures (5) (see enclosures and note next page)
WAM:djg (3)

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Mrs.

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b7C

**Let's Fight Communism Sanely!
Time for Decision
U. S. Businessman Faces the Soviet Spy
Counterintelligence Activities
Communism: The Incredible Swindle**

NOTE: Bufiles contain no information identifiable with correspondent. The film "Operation Correction" was prepared by American Civil Liberties Union of Northern California using the same documentary footage as the HCUA film "Operation Abolition," but new film was narrated by Ernest Besig, Executive Director of San Francisco American Civil Liberties group in place of HCUA's narration by Fulton Lewis III. Regarding the anti-Defamation League, "Masters of Deceit" contains a statement indicating that the Anti-Defamation League of the B'nai B'rith has fought communism. It is noted that recent article in "Look" magazine described the Anti-Defamation League as the civil-rights arm of B'nai B'rith, the largest Jewish Service organization. (100-530)

TRUE COPY

Dear Sir,

I belong to a book discussion club composed of 15 to 17 members. Recently, during one of the topics a member made a number of statements which seem, in my opinion, to warrant further exploration and possibly correction. Because I feel that the broad topic of politics requires truth and fact, rather than opinion, I would appreciate any information that you can give me.

Our member wishes the abolition of HUAC on the grounds that they have ruined the lives (jobs, homes etc. taken from) a few teachers that she was acquainted with in Philadelphia. That the Committee uses paid informers and follows a line of questioning which "pushes the witness to the wall and confuses him so that he does not know what he is saying. That its records are open to anyone who wishes to quote or misquote testimony and further malign the individual who had been investigated." She also stated that the film "Operation Abolition" was spliced so that it gave an entirely untrue picture of the hearings in California and that a film called "Operation Correction" was taken to refute the former. I would like to know who sponsored the second film.

The member in question told us that she was previously employed by the Anti-Defamation League of Bnai B'rith which she states is violently anti communist - Dore Scharz is its president. Has there been communist infiltration of the league and what are its objectives.

Thank you for your attention to this matter If at all possible , may I have the information by the end of the month.

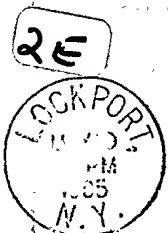
Truly yours,

/s/

Lockport N. Y.

MAY 26 1965

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b7C



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61-190-
NOT RECORDED
102 MAY 27 1965

Handwritten signature: JWH

ORIGINAL FILED IN 62-106973-272

PA
[Redacted] Mount Vernon, Washington
[Redacted]

June 9, 1965

House Committee on Un-American Activities
Congressman Edwin Willis, Chairman
Washington, D.C.

Gentlemen:

I wish to register a request that there be an investigation of the American Civil Liberties Union.

From what I read, and what appears to be the fact, this organization would seem to be of a subversive nature.

I point out a few of the things that give rise to the conclusion I come to.

1. Objection by ACLU to penalizing American Students who visited Cuba contrary to government policy.
2. Support given by ACLU to pacifists who object to service in the American Armed Forces and who refuse to take the loyalty oath.
3. Protests by ACLU to have prayer and grace aboard U.S. Navy vessels.
4. Objection by ACLU to a bill that would require military enlistees to swear before God their allegiance to the Constitution of the United States.

Also, other objects of their protests were bills and custom of using phrases such as "One Nation under God", etc.

REC 37 61-190-1123

Further objection made regarding reading Bible in school and having the Lord's Prayer said in schools. JUN 16 1965

There are many other reasons that could be cited, but it seems to me that this organization is over due for investigation. If our Country which I love is to survive, we must do so as a christian nation. Jesus said, we must PUBLICALLY acknowledge God.

A former WAC during World War II

69 JUN 24 1965

cc: J. Edgar Hoover
" U.S. Attorney-General,
Nicholas Katzenbach

CORRESPONDENCE
JUN 16 1965

American Civil Liberties Union

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LIBERTY



In New York, a young man "confessed" to a murder charge under prolonged interrogation. His confession turned out to be false.



Six witnesses were fired from their jobs in Buffalo after refusing to tell the House Committee on Un-American Activities about alleged Communist associations.



In Maryland, four young teachers at a State college were dismissed for lecturing on so-called "offensive" books.



In Mississippi only 8% of adult Negroes have been able to register and vote in the face of official and private intimidation and obstruction.

G. C. L. Mcowan

Every time a constitutional right is denied a man or woman in America, a chip is knocked out of the edifice of our liberties. And it doesn't matter how humble, or eccentric, or even downright ornery that person may be. Only when government at all levels respects the rights of the dissident are the rights of all secure.

Respectful Liberty

For 45 years the American Civil Liberties Union has been shoring up, rebuilding, and at times extending the structure of our freedom. Every day ACLU volunteer lawyers defend the constitutional liberties of all by battling for the rights of individuals. Members of our 34 state and city affiliates work around the clock in the courts, in the legislatures, and by standing up and being counted whenever freedom is under attack in their local communities.

me

You are invited to join this effort.

REC 61-190-1124

Join the American Civil Liberties Union. Over 75,000 Americans find that their membership in ACLU makes their voices count in behalf of our basic liberties. Today, when powerful forces are rallying to turn back the clock on many of the victories for freedom won over the past decade, we need at least 10,000 new members who will stand firm against any attempts on the Bill of Rights.

JUL 8 1965

I hope you will join as a \$10 member, but join with whatever you can. By mailing the above envelope you will help keep America a home of freedom.

ENCLOSURE

70 JUL 20 1965

ENCLOSURE ATTACHED

John de J. Pemberton Jr.
John de J. Pemberton, Jr.
Executive Director

(Over, please)

file 61-190

During the 43 years of its existence the American Civil Liberties Union has played a significant role in defending our basic democratic freedoms. Your voice has always been raised clearly and sharply when our liberties have been threatened. America is a stronger nation for your uncompromising efforts.

—JOHN F. KENNEDY

During the span of years covered by your organization, the American people have given increased attention to progress in the field of civil rights. . . . It is good to be reminded that the members of the American Civil Liberties Union and the overwhelming majority of my fellow citizens are working together in this field with steadfast vigor and understanding.

—DWIGHT D. EISENHOWER

The American Civil Liberties Union has an essential role at this critical time. It defends the rights of even the most despised to speak, to assemble, and to petition for redress of grievances. It protects the individual's constitutional guarantees of the right to counsel, to confrontation and to due process of law. It has come to symbolize racial justice and religious freedom.

—LYNDON B. JOHNSON

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If you join now, you will receive your 1965 ACLU membership card, Civil Liberties ten times a year, and the Union's 114-page annual report on civil liberties in the U.S.

This letter is being mailed to outside lists in an effort to enlarge the ACLU's membership. It is impractical to check such lists against our present roster. If you already belong, you could help the Union most by using this letter and enclosure to enroll a friend.

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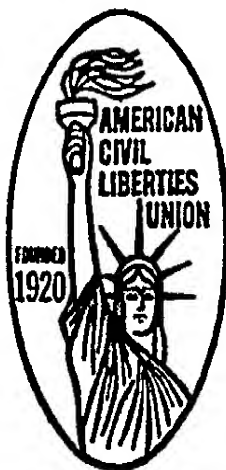


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FROM

This return envelope may be mailed without postage. However, by placing a 5¢ stamp on it you will help us cut costs and put more money to work in defense of our liberties.

For 45 years the ACLU has defended the principles you believe in
... the time to join is now!



- ☐ Participating Member _____\$100 and up.
- ☐ Cooperating Member _____\$50
- ☐ Sustaining Member _____\$25
- ☐ Supporting Member _____\$10
- ☐ Basic Membership _____\$6

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The American Civil Liberties Union needs and welcomes the support of all those—and only those—whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.

Members listed above receive the Union's 116-page Annual Report on U.S. liberties and the monthly paper *Civil Liberties*. They are also entitled to single copies of some 25 other publications, without charge. A bi-weekly bulletin, whose main content is largely duplicated by *Civil Liberties*, is available on request to members contributing \$15 or more. Associate Members (students and the like), at \$3, receive *Civil Liberties* and the Annual Report. (Fifty cents of each dues contribution covers a subscription to *Civil Liberties* for one year.) By joining the national ACLU, you will become a member of any active local ACLU affiliate in your area, except in Northern California, where the local organization maintains its membership separately. However, the national ACLU also welcomes support from members in Northern California.

ETERNAL VIGILANCE IS THE PRICE OF LIBERTY!

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AMERICAN CIVIL LIBERTIES UNION, 156 Fifth Avenue, New York 10, N. Y.



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THE AMERICAN CIVIL LIBERTIES UNION

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Lyndon B. Johnson

the nation's only
permanent nonpartisan organization devoted exclusively
to the defense of the Bill of Rights for everyone.

Founded
in 1920



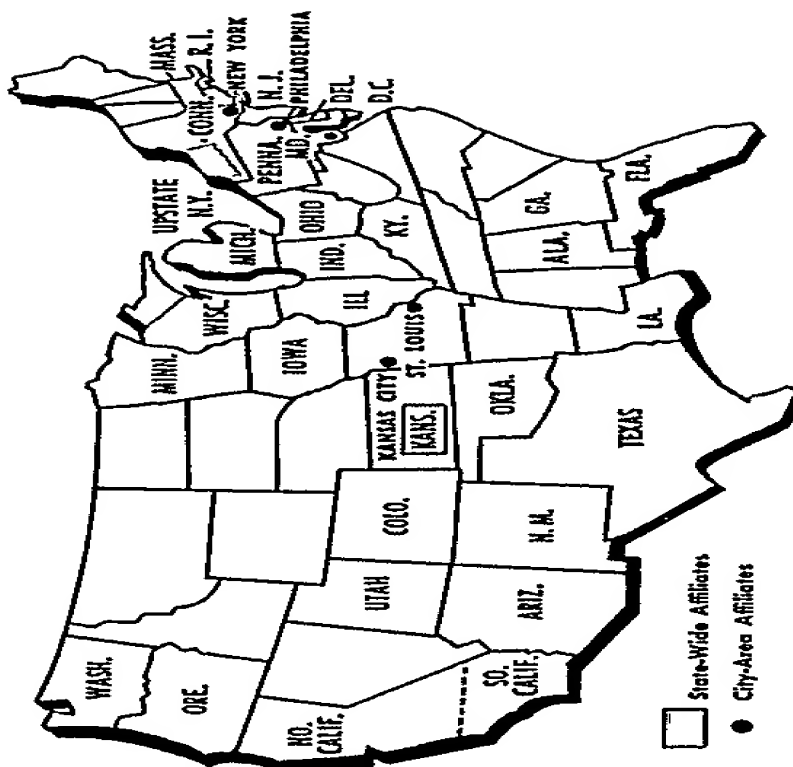
At this moment, someone nearby has been deprived of his constitutionally guaranteed rights. He may be someone very much like yourself, a decent citizen, arrested unjustly or held without bail; perhaps a teacher whose job has been threatened because of less than orthodox political views; or a member of a minority denied the right to live where he pleases. He may be *you*, tomorrow.

What are your rights?

Learn here how you can help *all* Americans by taking an active part in protecting America's cherished liberties.

156 Fifth Avenue, New York, N.Y. 10010

The 35 State and City Affiliates of the ACLU



By joining the national ACLU, you will join the affiliate in your area and participate in the defense of civil liberties on the local scene. (Except in Northern California where separate membership is maintained. However, the national ACLU also welcomes support from members in Northern California.)

MEMBERSHIP CATEGORIES

- ☐ \$100 Participating Member ☐ \$50 Cooperating Member
☐ \$25 Sustaining Member ☐ \$10 Supporting Member
 ☐ \$6 Basic Membership

Please enroll me as a NEW MEMBER of the ACLU. Here is my \$..... membership contribution, 50¢ of which is for a one-year subscription to *Civil Liberties*.

PLEASE PRINT CLEARLY

NAME

ADDRESS

CITY **STATE** **ZIP**

OCCUPATION **PHONE**

the public schools and the widespread evil of introducing illegally seized evidence in state courts. Constant watchdog activities by ACLU affiliates across the nation are necessary to prevent unfair court procedures.

The Community

Through contacts with public officials, ACLU is frequently able to secure the adoption of enlightened policies designed to protect and extend constitutional rights. For example, the ACLU of Greater Philadelphia some years ago secured the creation of the nation's first Police Review Board, an official agency to obtain redress for citizens aggrieved by unlawful police action.

When officials fail to take corrective action, ACLU can often be effective by arousing public interest. A noteworthy example is the report issued by the Illinois Division on "Secret Detention by the Chicago Police."

The Legislature

Many issues affecting civil liberties arise before the U.S. Congress and the various state legislatures.

ACLU has effectively supported anti-discrimination laws, legal assistance for the poor, the rights of Indian tribes and legislation to provide improved court procedures and reapportionment of state legislatures.

We have opposed loyalty oaths, magazine and film censorship, constitutional amendments designed to cripple the U.S. Supreme Court, the use of public funds for sectarian schools and curbs on academic freedom.

The Public Forum

Educational efforts on behalf of the Bill of Rights are carried out through newspaper publicity, radio and TV appearances, pamphlets, and the regular bulletins of the ACLU. Many affiliates maintain active Speakers' Bureaus scheduling frequent appearances before church, civic, service and educational groups.



WHAT IS THE ACLU?

The purpose of the American Civil Liberties Union — and its only purpose — is the preservation and strengthening of the freedoms guaranteed to us under the Bill of Rights.

There are many government officials, special interest groups, and private citizens who think our constitutional guarantees of freedom of inquiry and expression, due process of law, and equality before the law should be denied to certain citizens whom they consider undeserving. They believe they have the right to decide who is or is not “deserving.”

ACLU believes, as our nation's founding fathers believed, that no one should have the privilege of deciding who is deserving of the rights guaranteed to us under the Constitution. These rights belong to all—*without exception*.

WHAT WE DO

The Court

The everyday business of ACLU is helping people whose civil liberties have been violated.

Much of this work is in the courts. Each year, the ACLU enters into hundreds of court cases. We may supply counsel for the person whose civil liberties have been denied, or we may submit a “friend of the court” brief which argues the constitutional question at stake.

Many of the cases fought by the ACLU are of historic significance — such as the famed *Scopes v. State of Tennessee* “monkey trial.” In recent years, ACLU and its affiliates have won many notable victories before the U.S. Supreme Court protecting rights of free speech, the right of peaceful protest, the right to counsel, freedom of the press and decisions banning religion in



ACLU'S STRUCTURE: The American Civil Liberties Union is a national organization with headquarters in New York. It was founded in 1920 to combat violations of the Bill of Rights resulting from post war hysteria directed against political dissenters.

Among the founders were Roger Baldwin, Jane Addams, Clarence Darrow, John Dewey, Morris Ernst, Felix Frankfurter, Arthur Garfield Hays, Helen Keller, Rabbi Judah Magnes, Monsignor John Ryan, and Norman Thomas.

Today there are 35 regional affiliates with over 75,000 members. Affiliate chapters carry the work into the local communities.

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51-90-1124


July 9, 1965

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REC- 59

61-190-1125

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b6
b7C


Van Nuys, California

Dear Mr. 

Your letter of July 3rd has been received.

In response to your request, information in our files must be maintained as confidential pursuant to regulations of the Department of Justice. I am sure you will understand the reason for this policy and why I am not in a position to comment as you desire.

Sincerely yours,

J. Edgar Hoover

MAILED 8

JUL 9 1965

COMM-FBI

Rec'd
NOTE: Correspondent is not identifiable in Bufiles. The FBI has never conducted an investigation of the American Civil Liberties Union. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) set forth the following: "American Civil Liberties Union: Cited as heavily infiltrated with communists and fellow travelers and frequently following the Communist Party line and defending communists, particularly in its Los Angeles unit." (California Committee on Un-American Activities Report, 1948, pages 108-12).

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[redacted]
Van Nuys, California
Apartment [redacted]
July 3, 1965

Federal Bureau of Investigation
Washington, D. C.
Department of Public Information

Dear Sirs:

I am writing in reference to the American Civil Liberties Union.

b6
b7C

For some time my wife and I have been quite interested in the ACLU. We have been attracted to their positions of support for anyone whose civil liberties have been violated.

At the same time, we find a subversive label being placed on the organization by some persons of the political right. It is difficult to tell if there is truth in these accusations or whether they are simply the work of over-zealous anti-Communists.

Since we are now contemplating joining the ACLU, we would appreciate any information that you might supply us concerning the nature of this organization.

Thank you.

Sincerely,

[redacted]

66-190

REC- 59

61-190-1125

1 JUL 13 1965

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CORRESPONDENCE

mm
ack
7-9-65
@F. J. A. J.

73
61-190-1126

August 3, 1965

EX-113

mailed
Mr. [redacted]
Dorsey, Owen, Marquart,
Windhorst and West
2400 First National Bank Building
Minneapolis, Minnesota 55402

b6
b7C

AUG 3 2 34 PM '65
FBI
REC'D-READING ROOM

Dear Mr. [redacted]

mz
I read your letter of July 26th addressed to Assistant Director Sullivan inviting him to address the annual meeting of the Minnesota Branch of the American Civil Liberties Union and want to thank you for your interest in writing.

SUA
While I wish it were possible to designate him to appear before your group, the pressure of his official schedule and the numerous matters which arise daily requiring his attention preclude his accepting additional commitments in the foreseeable future. I regret I cannot give you a favorable response but trust you will understand. If, however, you desire Mr. Sullivan to speak before your membership at your annual meeting in 1966, please feel free to communicate with me, and I assure you every effort will be made to comply with your request.

You may wish to know that no fees or honoraria are accepted by representatives of the FBI for appearances they are privileged to make.

Sincerely yours,

J. Edgar Hoover

1- Mr. Sullivan

NOTE: See Mr. Sullivan to Mr. Belmont memo dated 7-30-65, captioned "Invitation to Speak Before Minnesota Branch, American Civil Liberties Union, Minneapolis, Minnesota, November 13, 1965."

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UNITED STATES GOVERNMENT

Memorandum

TO : Mr. A. H. Belmont

DATE: July 30, 1965

FROM : W. C. Sullivan

SUBJECT: " INVITATION TO SPEAK BEFORE
MINNESOTA BRANCH,
AMERICAN CIVIL LIBERTIES UNION,
MINNEAPOLIS, MINNESOTA,
NOVEMBER 13, 1965

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Sullivan _____
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Holmes _____
Gandy _____

The attached letter contains an invitation for me to be the principal speaker before the Minnesota Branch of the American Civil Liberties Union at its annual meeting in Minneapolis, Minnesota on November 13, 1965.

b6
b7c

This invitation is from [redacted] of the Minnesota Branch of the American Civil Liberties Union. Mr. [redacted] states the subject matter would be my choice "knowing we share a common interest, not only in good government, but in the associated areas of law enforcement and civil liberties." He also indicated the organization would pay my expenses and would consider an honorarium.

While this is a worth-while invitation from an extremely important group, I do not believe I should take the time from my duties to make the trip to Minneapolis. Therefore, I suggest that the invitation be graciously declined and Mr. [redacted] be advised that my schedule precludes acceptance this year. I also suggest that [redacted] be advised that circumstances may permit acceptance of a similar invitation for the 1966 annual meeting.

RECOMMENDATION:

That this memo be forwarded to Crime Records Division so that an appropriate reply can be prepared for Mr. [redacted]. Bufiles contain no information which can be identified with [redacted].

1 - Mr. Belmont
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Sullivan
1 - Mr. Smith
1 - Mr. Garner

FHF:df
(7)

ENCLOSURE

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REC-73
EX-113
1-190-1126
9 AUG 9 1965

DORSEY, OWEN, MARQUART, WINDHORST 8, WEST

LAW OFFICES

2400 FIRST NATIONAL BANK BUILDING

MINNEAPOLIS, MINN. 55402

TELEPHONE
332-3351
AREA CODE 612

OF COUNSEL
LEAVITT R. BARKER
LELAND W. SCOTT
HUGH H. BARBER

CABLE ADDRESS:
DOROW

July 26, 1965

JAMES E. DORSEY (1859-1959)

DAVID E. BRONSON	EDWARD J. SCHWARTZBAUER
KENNETH M. OWEN	THOMAS H. BROWN
DONALD WEST	CORNELIUS D. MAHONEY
WALDO F. MARQUART	THOMAS S. ERICKSON
JOHN W. WINDHORST	MICHAEL E. BRESS
HENRY HALLADAY	PAUL G. ZERBY
JULE H. HANNAFORD	RAYMOND A. REISTER
ARTHUR B. WHITNEY	JOHN J. TAYLOR
JOHN G. DORSEY	BERNARD G. HEINZEN
RUSSELL W. LINDQUIST	WILLIAM J. HEMPEL
DAVID R. BRINK	JOHN S. HIBBS
HORACE E. HITCH	ROBERT O. FLOTTEN
VIRGIL H. HILL	MORTON L. SHAPIRO
ROBERT V. TARBOX	JAMES F. MEEKER
DEFOREST SPENCER	JOHN D. LEVINE
ROBERT J. JOHNSON	ROBERT J. STRUYK
MAYNARD B. HASSELOQUIST	MICHAEL A. OLSON
PETER DORSEY	LARRY W. JOHNSON
GEORGE R. FLANNERY	ROBERT A. JENSEN
CURTIS L. ROY	THOMAS S. HAY
ARTHUR E. WEISBERG	CURTIS D. FORSLUND
DUANE E. JOSEPH	G. LARRY GRIFFITH
FREDERICK E. LANGE	CRAIG A. BECK
JOHN W. JONES	DAVID L. MCCUSKEY
JAMES B. VESSEY	THOMAS O. MOE
WILLIAM A. WHITLOCK	JAMES H. O'HAGAN
CHARLES O. HOWARD	JOHN M. MASON

Mr. William Sullivan
Assistant Director
Federal Bureau of Investigation
Washington 25, D.C.

Dear Mr. Sullivan:

I am taking the liberty of writing you after being assured by our mutual good friend [redacted] that you would not take it amiss.

b6
b7C

[redacted] of the Minnesota Branch of the American Civil Liberties Union. We are having our annual meeting in Minneapolis on November 13, 1965 and we would very much like to have you be our principal speaker. We would leave the subject matter up to you, knowing that we share a common interest, not only in good government, but in the associated areas of law enforcement and civil liberties.

We have had enthusiastic audiences, numbering about 500, at our annual meetings in each of the last two years to hear Archibald Cox and Charles Morgan, respectively. We believe that your presence this year would result in at least as large a turnout. Incidentally, last year's principal speaker shared the speakers' platform with the now Senator Walter F. Mondale and the audience included, among many other community leaders, one of Minnesota's four United States District Court Judges, the Honorable Earl R. Larson, a co-founder of the American Civil Liberties Branch here in Minnesota.

We would expect to pay all of your travel expenses and would like to have a chance to discuss with you the question of an honorarium if that is a condition of your being able to accept our invitation.

ENCLOSURE

REC-73

EX-113

AUG 9 1965

ACK 8-3-65

OFF: [unclear]

NML

plz


DORSEY, OWEN, MARQUART, WINDHORST & WEST

Mr. William Sullivan
July 26, 1965
Page Two.

We will look forward to hearing from you.



PD:sn

CC: Mr. 

b6
b7C

REC-22

August 18, 1965

61-190-1127
801-XE

[Redacted]
Charleston, West Virginia 25302

b6
b7C

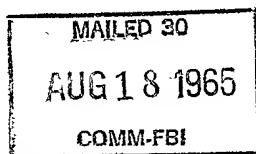
Dear Mr. [Redacted]

2E

Your letter of August 12th, with enclosure, has been received.

In response to your request, information in our files must be maintained as confidential pursuant to regulations of the Department of Justice. I am sure you will understand the reason for this policy and why I am not in a position to comment as you desire.

Sincerely yours,



J. Edgar Hoover
John Edgar Hoover
Director

NOTE: Bufiles indicate correspondent was a plant informant during World War II and has written to us in the past furnishing non-specific information and these letters have been cordially acknowledged. However, he forwarded a letter to the Director dated July 4, 1959, which contained bigoted views. In view of the contents of this communication no acknowledgment was sent.

ED:alb (3)

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Holmes _____
Gandy _____

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TELETYPE UNIT ☐

TRUE COPY

26

Charleston, W. Va. 25302
Aug. 12, 1965

Mr. J. Edgar Hoover,
Federal Bureau Investigation
Washington, D. C.

Dear Brother Noble:-

I seem to be on the "sucker" list for all sorts of mail -- nude photos, pornographic books, Catholic Mummeries, who need my dollars, sales clubs, publishers, who request my manuscripts, (what manuscripts?), farm lands, that probably have to be worked with an aqua-lung, etc. How I ever got on the list for this flood of junk, thru the mails, I don't know.

I am known as a Protestant -- an Elder in my Presbyterian Church -- 32^o Mason, K. T, and Shriner of many years standing, veteran of World War 1, V. F. W. -- continuous since 1931 and the only organization I give any real monetary help and services, is the Buckskin Council, Boy Scouts of America. Most of this junk in the mail is first class and can't be opened. I've sent such lists of filthy literature to the Post Office Dep't. but still it continues.

Today I received the enclosed literature from the "American Civil Liberties Union". I've carefully read it and suspect it is some sort of a Commie outfit. They seem to have been the hero of the Swapes-Tennessee trial. I remember it well for Clarence Darrow defended this school teacher and William Jennings Bryan, a fundamental religionist, prosecuted the case, because the fellow taught evolution. N

Where in hell did this ACLU outfit come into the picture?
If I recall, that natorious trial ocured about 1912. 61-190-1127
REC-22
12 AUG 19 1965

This Commie business is an insidious thing of many (?) facets, and not dead, by any reckoning, even with this schism between the Chinese and Russians. I suspect they are trying to get into this Negro movement, for it has been a wonder to me where the colored people are getting the political engineering and financial aid to keep up the movement. Certainly the Negro cannot compete with the white man till he has the general intellectual and educated status of the white man. The crux (?) is education -- for at lease a generation -- before such equality becomes a fact. I suspect the Commies are secretly working with divisive tactics in this Negro movement to create a schism among the

"ENCL. BEHIND FILE"

ENCLOSURE

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See

American people. Our last boy, whom we are putting thru college -- a Chem. Engining (?) student at V.P.I., comes home here and advances some weird political and sociological arguments, at times. I wonder where he gets them.

Please look this ACLU literature over and let me know something of its background.

I am Extending you most sincere and fraternal regards,

Respectfully yours.

Walter B. Witherell

25

Address per Envelope:

Walter B. Witherell
1100 Camden Drive
Charleston 2, W. Va.

Charleston; W. Va. 25302
Aug. 12, 1965

Mr. J. Edgar Hoover ^{2E}
Federal Bureau of Investigation
Washington, D.C.

Dear Brother Nable:-

I seem to be on the "sucker" list for all sorts of mail - mud & photos, pornographic books, Catholic Mummies, who need my dollars, sales clubs, publishers, who request my manuscripts, (what manuscripts?), farm lands, that probably have to be worked with an aqua-lung, etc. How I ever got on the list for this flood of junk, thru the mails, I don't know.

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Bryan, a fundamental religionist, prosecuted the case because the fellow taught evolution. Where in hell did this A.C.L.U. outfit come into the picture? I'll recall, that notorious trial occurred about 1912.

This Commie business is an insidious thing of many facets, and not dead, by any reckoning, even with this schism between the Chinese and Russians. I suspect they are trying to get into this negro movement, for it has been a wonder to me where the colored people are getting the political engineering and financial aid to keep up the movement. Certainly the negro cannot compete with the white man till he has the general intellectual and educated status of the white man. The crux is education - for at least a generation - before such equality becomes a fact. I suspect the Commies are secretly working with divisive tactics in this negro movement to create a schism among the American people. Our last boy, whom we are putting thru college - a Chem. Engineering student at V.P.I., comes home he and advances some weird political and sociologic arguments, at times. I wonder where he gets them. Please look this A.C.L.U. literature over and let me know something of its background.

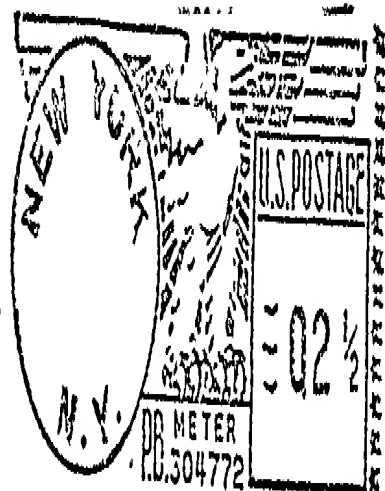
Extending you most sincere and fraternal regards, I am Respectfully yours.

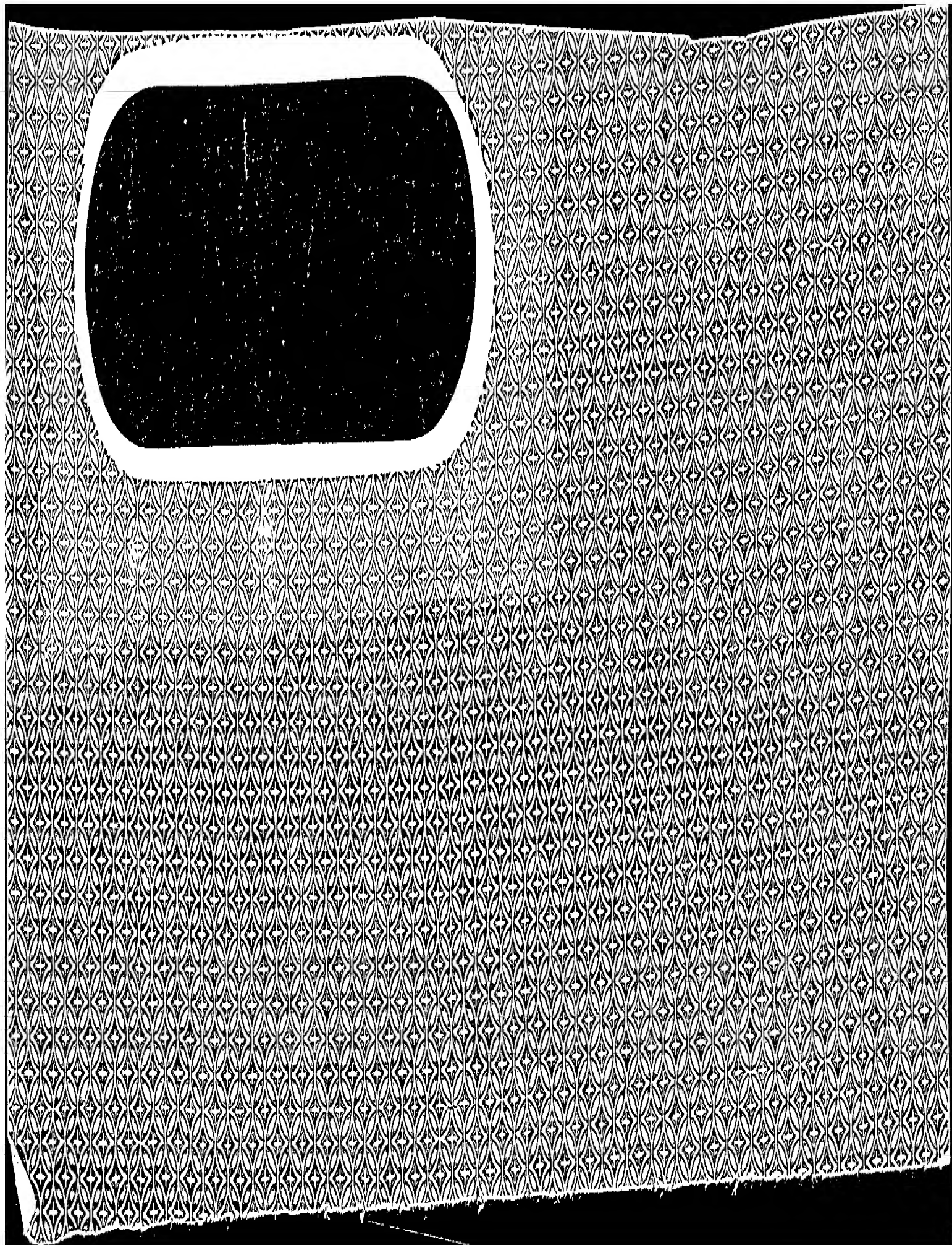
Walter B. Witherell

26

WALTER B. WITHERELL
1100 CAMDEN DRIVE
CHARLESTON 2, W. VA.

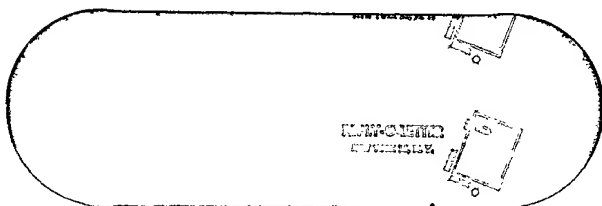
AD-L-3787 PD.





Nine score and nine years ago our fathers brought forth
on this continent a new Nation conceived in liberty and dedicated to
the proposition that all men are created equal...

261-190-1127



Are we justified in using the
immortal words of the man who
was assassinated one century ago?

YOU BE THE JUDGE...

For forty-five years the American Civil Liberties Union has been engaged in a great struggle testing whether that nation, or any nation so conceived and so dedicated, can make a living reality of the principles professed in its Declaration of Independence, its Constitution, and its Bill of Rights.

Today the ACLU is met on such civil liberties battlefields as:

THE RIGHT TO LIFE: A 72-year-old Detroit Negro, arriving in Smithsville, Ga., to visit his daughters, steps off the bus and, five minutes later, is shot dead by the police chief.

FREEDOM OF ASSOCIATION: Six witnesses are fired from their jobs in Buffalo for refusing to tell the House Un-American Activities Committee about their alleged Communist associations.

FREEDOM OF SPEECH: A minister in Denver is arrested for speaking on a street-corner soapbox.

FREEDOM OF RELIGION: 38 churches in Mississippi destroyed by fire and dynamite during 1964.

THE RIGHT TO PRIVACY: An Ohio mother is arrested for "contributing to the delinquency" of her daughter by giving her birth control information.

Through the ACLU, seventy-five thousand Americans are dedicated to the great task remaining before all Americans -- that this nation shall have a new birth of freedom ... that government shall set new standards of liberty for mankind.

Help is needed from all those -- you included -- whose love of freedom can be taken pure, without the base alloy of hypocrisy. In the critical period ahead, the ACLU must strengthen its defense of constitutional rights in the courts, in legislatures, and in the vital arena of public opinion, every day in the year.

I hope you will become at least a \$10 member, but join now with whatever you can. By mailing the envelope above you will be helping to light our nation's way down through history, as a land of liberty, unto the latest generation.

Sincerely,

Henry Steele Commager

See over, please



P.S. We have modified the words of the Sixteenth President, but we have not tampered with his principles. In 1858, in a letter to H. Asbury, he wrote: "The cause of civil liberty must not be surrendered at the end of one or even one hundred defeats."

All new members receive: a membership card-receipt, Civil Liberties ten times a year, and the ACLU's 112-page annual report on civil liberties in the U. S.

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Thornton Wilder (Conn.)
Marion A. Wright (N.C.)
Benjamin Youngdahl (Mo.)

Thirty-five ACLU Affiliates in Thirty-one States and the District of Columbia

The American Civil Liberties Union has an essential role at this critical time. It defends the rights of even the most despised to speak, to assemble, and to petition for redress of grievances. It protects the individual's constitutional guarantees of the right to counsel, to confrontation and to due process of law. It has come to symbolize racial justice and religious freedom.

—LYNDON B. JOHNSON

During the span of years covered by your organization, the American people have given increased attention to progress in the field of civil rights. . . . It is good to be reminded that the members of the American Civil Liberties Union and the overwhelming majority of my fellow citizens are working together in this field with steadfast vigor and understanding.

—DWIGHT D. EISENHOWER

During the 43 years of its existence the American Civil Liberties Union has played a significant role in defending our basic democratic freedoms. Your voice has always been raised clearly and sharply when our liberties have been threatened. America is a stronger nation for your uncompromising efforts.

—JOHN F. KENNEDY

The New York Times

"The A.C.L.U. . . . has been indispensable in investigating violations of civil liberties, in publicizing them and in working through the channels of public opinion and of the law to see that our constitutional principles as expressed in the Bill of Rights remain a living force . . ."

THE CHRISTIAN SCIENCE MONITOR

"I do not agree with a word you say," said Voltaire, "but will defend to the death your right to say it." It would be hard to find a more searching test of the genuineness of democratic sentiments than is implicit in this famous dictum. And it would be equally hard to find an organization that subjects itself to this test more often and more willingly than does the American Civil Liberties Union . . ."

San Francisco Chronicle

"Both locally and nationally, the ACLU has functioned effectively for the preservation of the Bill of Rights. That is its only function. In defending the rights of those who happen to be in danger of having them violated or denied, the ACLU defends the rights of all Americans . . ."

Bergen Evening Record

Hackensack, N. J.

"If the battle for democracy in the United States is ever lost it will be lost, in a manner of speaking, over the dead body of the American Civil Liberties Union . . ."

This letter is being mailed to outside lists in an effort to enlarge the ACLU's membership. It is impractical to check such lists against our present roster. If you already belong, you could help the Union most by using this letter and enclosure to enroll a friend.



"The battle of freedom," said Abraham Lincoln, "is to be fought out on principle." The ACLU has fought that battle — *your* battle — for 45 years. The time to join the ACLU is now!

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SUSTAINING MEMBERSHIP\$ 25
SUPPORTING MEMBERSHIP\$ 10
BASIC MEMBERSHIP\$ 6

Here is my \$..... membership contribution to the work of the ACLU.

The American Civil Liberties Union needs and welcomes the support of all those — and only those — whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.

Members listed above receive the Union's 112-page Annual Report on U. S. liberties and the monthly paper Civil Liberties. They are also entitled to single copies of some 25 other publications, without charge. A bi-weekly bulletin, whose main content is largely duplicated by Civil Liberties, is available on request to members contributing \$15 or more. Associate Members (students and the like), at \$3, receive Civil Liberties and

the Annual Report. (Fifty cents of each dues contribution covers a subscription to Civil Liberties for one year.) By joining the national ACLU, you will become a member of any active local ACLU affiliate in your area — except in Northern California, where the local organization maintains its membership separately; however, the national ACLU also welcomes support from members in Northern California.

.....
ETERNAL VIGILANCE IS THE PRICE OF LIBERTY!
.....



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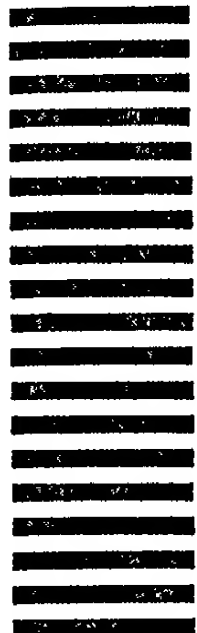
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August 11, 1965

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AIRTEL

AIR MAIL - REGISTERED

TO : DIRECTOR, FBI (105-138315)
FROM : SAC, LOS ANGELES (100-66604) (P)
(100-67168) (C)
RE : VIDEM
IS - C

~~ALL PARAGRAPHS IN THIS
DOCUMENT ARE UNCLASSIFIED
EXCEPT WHERE OTHERWISE
MARKED,~~

LOCAL ORGANIZING COMMITTEE FOR A
CONGRESS OF UNREPRESENTED PEOPLE (LOCCUP)
IS - C
OO: Los Angeles.

CARBON COPY

AMERICAN CIVIL LIBERTIES UNION

Remyairtel and letterhead memorandum (LHM) dated 7/28/65,
captioned, "VIDEM; COMMITTEE TO END THE WAR IN VIETNAM, IS-C;"
and mytels dated 8/6,7,8/65, captioned as above.

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF DECLASSIFICATION
DATE 5/31/77

- 1 - Bureau (Encs. 26) (Air Mail - Registered)
(3 - 100-) (LOCCUP)
(1 - 100-444231) (CEWV)
(1 - 100-441164) (DCA)
(1 - 100-439190) (SNCC)
(1 - 100-431378) (ISIDORE ZIFERSTEIN)
(1 - 100-18459) (DOROTHY HEALEY)
(1 - 100-) (ACLU)
(1 - 62-107350) (WSP)
(1 - 100-16) (SWP)
(1 - 100-427226) (YSA)
(1 - 100-) (Washington Summer Action Project)
1 - San Francisco () (Info.) (Enc. 1) (Air Mail - Regis.)
1 - Washington Field (Washington Summer Action Project) (Info.)
(Enc. 1) (Air Mail - Registered) b6
5 - Los Angeles (100-66604) b7C
(1 - 100-67168) (LOCCUP)
(1 - 100-67169) (WSAP)
(1 -)
(1 - 100-19333) (COMINFIL RADIO-TV)

GGB:HMS
(23)

b7D

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EXEMPT FROM GDS CATEGORY 2
DATE OF DECLASSIFICATION INDEFINITE
5/21/77 ml

161-190-
NOT RECORDED
78 AUG 19 1965

ENCLOSURE

49
71 AUG 24 1965

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ORIGINAL FILED IN 105-138315-1446

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For the Bureau's information, there are enclosed 26 copies of an LHM dated and captioned as above, setting out the details of actions by LOCCUP during the three day period commencing Friday, August 6th and ending Sunday, August 9, 1965. One information copy each of instant LHM is being furnished the Los Angeles offices of the Secret Service; Field Intelligence Office of the United States Navy; the Office of Special Investigations, U.S. Air Force, Maywood, California; the District Intelligence Office, U.S. Coast Guard; and the 115th INTC, Region II, U.S. Army, Pasadena, California (the latter organization was kept currently advised telephonically as actions in this three day affair developed).

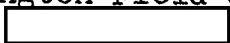
Instant LHM has been classified ~~SECRET~~ pursuant to Bureau instructions concerning communications prepared for dissemination which contain the characterization of Dr. and Mrs. ISIDORE ZIFERSTEIN, as furnished by NY 694-S*, utilized herein. Sources used in preparation of instant memorandum were: ~~X~~

- 2A
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- 1.
 - 2.
 - 3.
 - 4.



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NY 694-S*

One information copy each is being furnished San Francisco and Washington Field Offices in view of the information contained regarding  and the Congress of Unrepresented People (Washington Summer Action Project), respectively.

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As the LOCCUP is dissolving, and its activities are to be continued by the CEWV, the Los Angeles file on the former organization (100-67168) is being closed. Full information regarding the organization is contained in instant LHM.

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Los Angeles, California
August 11, 1965

In Reply, Please Refer to
File No.

~~SECRET~~

~~ALL PARAGRAPHS IN THIS
DOCUMENT ARE UNCLASSIFIED
EXCEPT WHERE OTHERWISE MARKED,
INCLUDING THE APPENDICES.~~

DEMONSTRATIONS PROTESTING
UNITED STATES INTERVENTION
IN VIETNAM
INFORMATION CONCERNING
(INTERNAL SECURITY)

LOCAL ORGANIZING COMMITTEE FOR
A CONGRESS OF UNREPRESENTED
PEOPLE (LOCCUP)
(INTERNAL SECURITY)

The following information was furnished by informants
who have furnished reliable information in the past:

Reference is made to prior memorandum dated July 28,
1965, bearing dual caption, "Demonstrations Protesting United
States Intervention in Vietnam, Information Concerning (Internal
Security); Committee to End the War in Vietnam (CEWV) (Internal
Security)." As noted in referenced memorandum, a coalition of
various local peace-oriented and civil rights organizations met
at the call of the Committee to End the War in Vietnam during
the night of Sunday, July 25, 1965, in a private home located at
 Los Angeles, and formed themselves

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~~CLASSIFICATION REVIEWED
AND FOUND VALID.
5/21/77 ml~~

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Group I

~~Excluded from automatic
downgrading and
declassification.~~

Attachment: 1

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF *Classification*
DATE 5/31/77 TJS/mf

61-190-
ENCLOSURE

~~SECRET~~

DEMONSTRATIONS PROTESTING UNITED STATES
INTERVENTION IN VIETNAM;
LOCAL ORGANIZING COMMITTEE FOR A CONGRESS
OF UNREPRESENTED PEOPLE (LOCCUP)

into a local action group known variously as the Local Organizing Committee for a Congress of Unrepresented People (LOCCUP - pronounced "Lock-up"), and/or the Los Angeles California Congress of Unrepresented People (LACCUP - also pronounced "Lock-up"). Purpose of this group, according to source one, was to decide what type of action should be taken in the Southern California area to coincide with action slated to take place in Washington, D.C., by Staughton Craig Lynd's Continental Congress of Unrepresented People, from August 6 through 9, 1965.

Source one subsequently advised that the planned action would include a "torch-light" parade, Friday night, August 6th, followed by workshops in Exposition Park, Los Angeles, on August 7 and 8, 1965. Any action for Monday, August 9, 1965, was to be decided upon by the participants in the workshops.

Special Agents of the Federal Bureau of Investigation observed the so-called "torch-light" parade, Friday evening, August 6, 1965. The demonstrators formed in South Park (Los Angeles City Park located at East 51st Street and Avalon Boulevard) at 8:00 PM, August 6, 1965, and walked two abreast on the sidewalks from the northwest corner of 51st and Avalon Boulevard, north on Avalon Boulevard, west on Vernon Avenue, north on Figueroa Street, arriving at Exposition Park (Los Angeles City Park located between Figueroa and Vermont Avenue and Santa Barbara Avenue and Exposition Boulevard) at 9:05 PM. They proceeded to a grassy area adjacent to the peristyle entrance of the Los Angeles Memorial Coliseum in the park.

Although the "Citizen-News," Hollywood, California daily newspaper, carried an article in its edition of Saturday, August 7, 1965, (xerox copy of which is attached), indicating the marchers totaled 180 in number, an exact count by Special Agents of the FBI determined that there were 162 individuals participating in the demonstration, consisting of 73 females and 89 males (of which only 17 were non-Caucasians).

Picket signs carried by the demonstrators read:

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DEMONSTRATIONS PROTESTING UNITED STATES
INTERVENTION IN VIETNAM;
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OF UNREPRESENTED PEOPLE (LOCCUP)

"Congress of Unrepresented People"
"COUP"
"Express Your Views At The COUP"
"Declare Peace"
"Make Love Not War"
"Freedom Now"
"COUP For Peace"

At 9:10 PM, at the Exposition Park terminus of their "torch-light" parade, a "speak-in" was held. John Haag, introduced as the Los Angeles Area Coordinator of the W.E.B. DuBois Clubs of America (DCA - see appendix), was the first speaker. He spoke briefly, announcing that workshops on Vietnam, the House Committee on Un-American Activities, women's rights, and problems of draft-age youth, would be held at the same location for the next two days. He was followed by Jimmy Garrett, who was introduced by Haag as the local representative of the Student Nonviolent Coordinating Committee (SNCC) and one of the original signers of the "Declaration of COUP." Garrett urged draft-age youth to stay out of the Vietnam conflict, according to source two.

On June 18, 1964, source three reported that [] attended a fund-raising affair given by the West Adams Communist Party Club, at [] Los Angeles, on May 30, 1964. During this affair, Dorothy Healey, Chairman, Southern California District Communist Party (SCDCP), was collecting funds to help defray the expenses of a trip to Mississippi for []

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Dr. Isidore Ziferstein, Los Angeles psychiatrist, spoke about the threat of nuclear bombs. He and his wife, Bess (also known as Barbara), participated in the "torch-light" parade.

2c Source four advised during the early 1960's and official of the Communist Party, USA (CPUSA), remarked that Dr. Isidore Ziferstein, and his wife, Barbara Ziferstein, were then current X

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DEMONSTRATIONS PROTESTING UNITED STATES
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2c members of the CPUSA, and had been such since
the 1930's. ~~X~~

Carl Bloice, introduced as a reporter from San Francisco, for the west coast communist weekly newspaper, "People's World," and editor of the DCA magazine, "Insurgent," spoke briefly and deplored the present position of the United States in Vietnam.

The people attending the "speak-in" portion of the program began to drift away before 10:00 PM, and by 11:00 PM, the area was nearly completely vacated.

On Saturday, August 7, 1965, individuals began to arrive in Exposition Park, in the vicinity of the peristyle entrance of the Los Angeles Memorial Coliseum, at approximately 10:00 AM, according to sources one and two. Special Agents of the FBI observed the participants in the LOCCUP gathering break up into workshop sessions which activity continued throughout the day and on until approximately 7:30 PM, when there was a short break for the dinner hour. According to sources one and two, the evening activities from 8:00 to 10:00 PM consisted of a musical program in the nature of a "hootenanny." No placards were observed during the activities on August 7, 1965.

According to source one, Mrs. Dorothy Healey, Chairman, SCDGP, participated in the workshop discussion group against the House Committee on Un-American Activities.

Healey praised [] of the CEWV, for the excellent way she handled herself during a recent appearance on the "Joe Pyne Television Show." Healey stated that Gus Hall, national General Secretary, CPUSA, was in Los Angeles at the time that [] appeared on that television show and that she (Healey) and Hall had viewed the program together. She said both she and Hall were very favorably impressed with [] poise, stage presence, and the fact that she did not allow Pyne to upset or distract her. Healey, during the course of the afternoon, August 7, 1965, invited Mrs. [] to drop over to

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DEMONSTRATIONS PROTESTING UNITED STATES
INTERVENTION IN VIETNAM;
LOCAL ORGANIZING COMMITTEE FOR A CONGRESS
OF UNREPRESENTED PEOPLE (LOCCUP)

Healey's home for a "visit." No specific date for the "visit" was decided upon, according to source one.

Other workshops held during the day, included "The Conscientious Objector and Problems of Draft-Age Youth," handled by [redacted] and Hugh Manes, CEWV member and American Civil Liberties Union attorney; "Vietnam," [redacted] member of the Council of the Southern California Women Strike for Peace (WSP); "Women's Rights," [redacted] of WSP and the CEWV; and combined workshop on a "Third Party" and the "Triple Revolution," chaired by Steve Roberts, member of the Los Angeles Local-Socialist Workers Party (LAL-SWP - see appendix) and the CEWV.

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The 12th Report of the Senate Factfinding Subcommittee on Un-American Activities, to the 1963 Regular California Legislature, published in Sacramento, California, during 1963, characterizes the Women Strike for Peace in part on pages 151-155, as follows, noting that the group has also been known as Women for Peace and Women's International Strike for Peace (WISP):

"Leaders of WISP testifying before a Congressional Committee in Washington, stated recently that their movement was, indeed, open to the Communists and all others who were interested in peace. Obviously, the Communists would be foolish to pass up such an unparalleled opportunity, and they are far from foolish..."

"The San Francisco Examiner for May 21, 1962, carried an article devoted entirely to Communist infiltration of Women for Peace, stating: 'Scores of well-intentioned, and dedicated women throughout the Bay Area and in major cities elsewhere have been made the dupes of known Communists and left-wing sympathizers operating openly and behind the scenes in the much

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DEMONSTRATIONS PROTESTING UNITED STATES
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"'publicized Women for Peace demonstrations. The allegedly "spontaneous" demonstrations have for the most part been pre-conceived and organized by Communists and their supporters... The record is clear. Elizabeth Gurley Flynn, national chairman of the U.S. Communist Party and guest speaker at a recent May Day Rally here, was asked about her party's role in Women for Peace... Pressed on the question of co-operation afforded by Communists, Mrs. Flynn replied, "Our women, of course, participate.'" (The "San Francisco Examiner" is a newspaper in general circulation in San Francisco, California).

An article appearing on page 30-A of the January 10, 1964 edition of "The Valley News and Valley Green Sheet" (newspaper published four times per week in Van Nuys, California), describes WSP in part as follows:

"Women Strike for Peace includes women of all ages, creeds and political persuasions."

On Sunday, August 8, 1965, participants again assembled outside the peristyle entrance of the Los Angeles Memorial Coliseum in Exposition Park, at approximately noon. Numbers of persons in attendance varied from about 25 to 45; equally divided between males and females. Between seven and ten non-Caucasians were in attendance during the afternoon. According to source one, the activity during the day consisted of reports, proposals, and resolutions elicited from the workshop discussions of the previous day.

The combined workshops on "The Triple Revolution" and a "Third Party" reported that a "third political force" should be constituted, which in turn might eventually lead to the formation of a third political party. They did recommend that no action to form a third party, as such, be undertaken at this time; but,

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DEMONSTRATIONS PROTESTING UNITED STATES
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members of the committee are going to commence immediately to "seek out peace-oriented candidates right now to run in future elections in various areas on the 'peace issues.'" Hugh Manes, who had also participated in this workshop, stated they had agreed that consideration should be given to nationalizing all defense industries, which would eliminate the profit motive of wars. There should be a guaranteed wage for all workers.

The "Vietnam" workshop proposed that the group go on record as opposing present American foreign policy not only in Vietnam, but also in the Dominican Republic.

"The Conscientious Objector and Problems of Draft-Age Youth" workshop proposed that direct action in picketing induction centers be carried on; that training schools be set up to train young men in how to avoid being drafted (nothing specific regarding either of these two proposals was set up). This workshop and the "Vietnam" workshop both suggested that mothers of draft-age youth be instructed to picket draft boards. [redacted] (also known as [redacted] member of the CEWV, the SWP, and the Young Socialist Alliance (YSA - see appendix), stated that although she had not been a member of the draft-age youth workshop, she could make a suggestion as to how young men of draft age could comply with all the legal requirements of the Selective Service Act and still remain out of the service. She stated that her brother (name not mentioned), had registered for the draft, kept his draft board advised of all his changes in status, and had reported for induction when called. However, when he passed his physical examination, and was about to be sworn in, he refused to sign the required "loyalty oath," and subsequently was rejected for military service for that reason.

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During the entire three days of this LOCCUP affair, there were no incidents or arrests. The Los Angeles Police Department afforded complete coverage each day.

According to source one, it has been decided to have the persons who acted as chairmen of the various workshops, type

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DEMONSTRATIONS PROTESTING UNITED STATES
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up their reports and furnish them to [] YSA and CEWV member, who in turn will present them at a meeting of the CEWV in the near future (exact date not known). The participants in this three day affair informally agreed that the CEWV would continue the actions set in motion by LOCCUP, and the latter organization would dissolve. The meeting broke up approximately 4:00 PM, August 8, 1965.

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At planning sessions of LOCCUP, prior to August 6th, there were tentative discussions of possible civil disobedience August 9, 1965, at the Los Angeles Harbor. At the final session of LOCCUP, August 8, 1965, it was decided that no further action of any kind would be conducted August 9, 1965. Lt. Commander [] District Intelligence Office, Coast Guard, 19 Pine Avenue, Long Beach, California, was telephonically advised of this at 5:00 PM. SA [] 115th INTC Region II, United States Army, Pasadena, California, was also given the details of the activities on the final day of the LOCCUP session, at 5:16 PM, August 8, 1965. Region II had been kept advised of all details in this matter as they occurred over the three days. Information copies of this memorandum are being furnished both the above intelligence agencies, as well as the Office of Special Investigations, United States Air Force, Maywood, California, and the Los Angeles offices of the United States Secret Service and the Field Intelligence Office, United States Navy.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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DEMONSTRATIONS PROTESTING UNITED STATES
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APPENDIX

LOS ANGELES LOCAL - SOCIALIST WORKERS PARTY (LAL-SWP)

On May 20, 1964, a confidential source advised that the LAL-SWP has been in existence since the 1930's and continues to exist. The source further advised that the LAL-SWP is a local branch of the National SWP with aims and purposes identical to those of the National SWP.

The SWP has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

APPENDIX

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**DEMONSTRATIONS PROTESTING UNITED STATES
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LOCAL ORGANIZING COMMITTEE FOR A CONGRESS
OF UNREPRESENTED PEOPLE (LOCCUP)**

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APPENDIX

W.E.B. DU BOIS CLUBS OF AMERICA

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A source has advised that on October 26-27, 1963, a conference of members of the Communist Party (CP), including National Functionaries, met in Chicago, Illinois, for the purpose of setting in motion forces for the establishment of a new national Marxist oriented youth organization which would hunt for the most peaceful transition to socialism. The delegates to this meeting were cautioned against the germ of anti-soviet and anti-CP ideologies. These delegates were also told that it would be reasonable to assume that the young socialists attracted into this new organization would eventually pass into the CP itself.

A second conference of over 20 persons met in Chicago on December 28-29, 1963, for the purpose of initiating a "call" to the new youth organization and planning for a founding convention to be held in June, 1964.

A second source has advised that the founding convention for the new youth organization was held from June 19-21, 1964, at 150 Golden Gate Avenue, San Francisco, California, at which time the name W.E.B. DU BOIS CLUBS OF AMERICA was adopted. Approximately 500 delegates from throughout the United States attended this convention. The aims of this organization, as set forth in the preamble to the constitution, are, "It is our belief that this nation can best solve its problems in an atmosphere of peaceful co-existence, complete disarmament and true freedom for all peoples of the world, and that these solutions will be reached mainly through the united efforts of all democratic elements in our country, composed essentially of the working people allied in the unity of Negroes and other minorities with whites. We further fully recognize that the greatest threat to American democracy comes from the racist and right wing forces in coalition with the most reactionary sections of the economic power structure, using the tool of anti-communism to divide and destroy the unified struggle of the working people. As young people in the forces struggling for democracy, we shall actively strive to defeat these reactionary and neo-fascist elements and to achieve complete freedom and democracy for all Americans, thus

APPENDIX CONTINUED

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DEMONSTRATIONS PROTESTING UNITED STATES
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2 OF UNREPRESENTED PEOPLE (LOCCUP)

APPENDIX CONTINUED

W.E.B. DU BOIS CLUBS OF AMERICA

enabling each individual to freely choose and build the society he would wish to live in. Through these struggles we feel the American people will realize the viability of the socialist alternatives."

The constitution further states that this new organization shall be a membership organization open to individuals or if five or more people so desire a chapter can be formed which shall in turn be guided by the policies and principles of the parent organization.

The second source has also advised that at the founding convention it was voted that the organization should be temporarily headquartered in San Francisco, California, although no specific physical location was decided upon. This same source advised on June 29, 1964, that the temporary headquarters of this organization is 1007 Mc Allister Street, San Francisco, which is the headquarters of the W.E.B. DuBois Club of San Francisco.

Both sources have advised that at the founding convention two officers were elected:

[redacted] and
[redacted]

A third source had advised that on October 26, 1962, [redacted] attended a CP recruiting class held at [redacted] [redacted] Berkeley, California.

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A fourth source has advised that [redacted] [redacted] for the "People's World" newspaper, was, on April 3, 1964, elected to the newly organized San Francisco County Committee of the CP.

The "People's World" is a West Coast communist newspaper published weekly in San Francisco, California.

APPENDIX

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DEMONSTRATIONS PROTESTING UNITED STATES
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1 LOCAL ORGANIZING COMMITTEE FOR A CONGRESS
OF UNREPRESENTED PEOPLE (LOCCUP)

~~APPENDIX~~

YOUNG SOCIALIST ALLIANCE

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The May, 1960, issue of the "Young Socialist" (YS), page 1, column 3, disclosed that during April 15-17, 1960, a national organization entitled "The Young Socialist Alliance" (YSA) was established at Philadelphia, Pennsylvania. This issue stated that this organization was formed by the nationwide supporter clubs of the publication YS.

The above issue, page 6, set forth the Founding Declaration of YSA. This declaration stated that the YSA recognizes the Socialist Workers Party (SWP) as the only existing political leadership on class struggle principles, and that the supporters of the YS have come into basic political solidarity with the SWP on the principles of revolutionary socialism.

A source advised on May 6, 1964, that the original YSA was an organization formed during October, 1957, in New York City by youth of various left socialist tendencies, particularly members and followers of the SWP. The leaders of this group were the guiding forces in the establishment of the national organization.

The source further advised on May 6, 1964, that the YSA is dominated and controlled on a national basis by the SWP through having SWP members comprise exclusively the National Executive Committee (NEC) and through an official SWP representative at all YSA NEC meetings. The YSA, in reality, is the youth and training section of the SWP and the main source of new SWP members.

The headquarters of the YSA are located in Room 631, 41 Union Square West, New York City.

The SWP has been designated pursuant to Executive Order 10450.

APPENDIX

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(Mount Clipping in Space Below)

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Viet Protest March Draws Only 180

LOS ANGELES — The so-called Congress of Unrepresented People staged a demonstration parade from South Park to Exposition Park last night protesting United States involvement in the war in Viet Nam and other issues.

Some 2,000 persons were supposed to march, police said, but only about 180 showed up.

A speak-in was also scheduled for Exposition Park, at which anyone who wants to talk is given the opportunity. This was to be followed by a weekend encampment.

According to police, most of the demonstrators had drifted away by the early morning hours. The lack of a sufficient number of campers plus the damp, chilly weather apparently caused the overnight stay in the park to be called off.

(Indicate page, name of newspaper, city and state.)

"CITIZEN-NEWS,"
Hollywood, California
Volume 61, Number 110
Section 1, Page A-3
Column 6

Date: August 7, 1965
Edition: Metropolitan Edition
Author:
Editor: Ed Lukas
Title: Local Organizing
Committee for a Congress of
Unrepresented People
Character: IS - C

or

Classification: IA 100-67168
Submitting Office: Los Angeles

☒ Being Investigated

~~SECRET~~

61-190

ENCLOSURE

August 3, 1965

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AIR MAIL - REGISTERED

TO : DIRECTOR, FBI (105-138315)
FROM : SAC, LOS ANGELES (100-66604)
(100-66608)

RE : VIDE
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American Civil Liberties Union

COMMITTEE TO END THE
WAR IN VIETNAM (CEWV)
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Remyrad 7/30/65, and mytels 7/30,31/65, concerning demonstrations under sponsorship of CEWV held in Los Angeles on Friday, July 30, and Saturday, July 31, 1965.

For the Bureau's information, there are enclosed 16 copies of a letterhead memorandum (LHM) captioned as above,

- ⑫ - Bureau (Encs. 16) (Air Mail - Registered)
(1 - Committee to End the War in Vietnam) (100-444231)
(1 - 100-439190) (SNCC)
(1 - 100-439048) (SDS)
(1 - 100-441164) (DCA)
(1 - 100-427226) (YSA)
(1 - 100-344527) (YPSL)
(1 - 100-) (ACLU)
(1 - 100-) (Washington Summer Action Project)
(1 - 100-415707) [redacted]
2 - Washington Field (Encs. 2) (Air Mail - Registered)
(1 - 100-) (Washington Summer Action Project)
(1 - 100-) [redacted]
5 - Los Angeles (100-66604)
(1 - 100-66608) [redacted]
(1 - [redacted])
(1 - 100-67169) (WSAP)
(1 - 100-67168) (LOCCUP)

GGB:HMS
(19)

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161-170
NOT RECORDED
184 AUG 13 1965

ENCLOSURE

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68 AUG 17 1965

ORIGINAL FILED IN 105-138315-1395

LA 100-66604

summarizing information contained in the above-mentioned communications, in a form suitable for dissemination.

Sources utilized in attached memorandum are as follows:

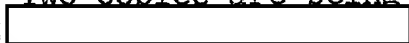
Source One
Source Two
Source Three



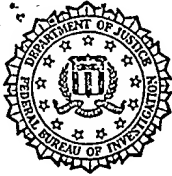
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The attached memorandum is being classified ~~Confidential~~, inasmuch as data set forth from sources utilized could reasonably result in the identification of informants of continuing value and compromise the future effectiveness thereof.

One copy each is being furnished the 115th INTC, Region II, U.S. Army, Pasadena, California; OSI, Maywood, California; FIO, U.S. Navy, Los Angeles; and the Los Angeles office of the United States Secret Service.

Two copies are being furnished WFO as it contains data regarding  proposed trip to Washington to participate in the Congress of Unrepresented People.

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Los Angeles, California
August 3, 1965

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DEMONSTRATIONS PROTESTING
UNITED STATES INTERVENTION
IN VIETNAM
INFORMATION CONCERNING
(INTERNAL SECURITY)

COMMITTEE TO END THE WAR IN
VIETNAM (CEWV)
(INTERNAL SECURITY)

Reference is made to prior memoranda relating to activities of the CEWV, including memorandum dated July 28, 1965. The following information was made available by sources who have furnished reliable information in the past:

On July 30, 1965, Source One furnished information indicating that the Committee to End the War in Vietnam (CEWV), would sponsor a demonstration between 5:00 and 7:00 PM, that evening in the vicinity of the Armed Forces Induction Center, Eleventh and Broadway Streets, Los Angeles, California, to protest the reported increase in call ups of additional draftees due to the war in Vietnam. The source also indicated that the same group intended to hold a demonstration the following day, Saturday, July 31, 1965, at the Federal Building (United States Courthouse and Post Office), 312 North Spring Street, Los Angeles.

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~~Group I~~

~~Excluded from automatic
downgrading and
declassification.~~

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DECLASSIFIED BY 2040
5/21/77 mZ

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF *Declassification*
DATE 5/3/77 TJS/marP

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DEMONSTRATIONS PROTESTING
UNITED STATES INTERVENTION
IN VIETNAM;
COMMITTEE TO END THE WAR IN
VIETNAM (CEWV)

Informant indicated that among other organizations, the W.E.B. DuBois Clubs of America (DCA - see appendix) and the Young Socialist Alliance (YSA - see appendix), would participate with representatives of CEWV in both of these demonstrations. Sources One and Two both advised that following the Friday evening demonstration at the Induction Center, there was to be a meeting at the Militant Labor Forum Hall, 1702 East 4th Street, Los Angeles, at 8:30 PM, where participants in the demonstration would discuss their activities.

Pickets gathered at the Induction Center, 11th and Broadway, Los Angeles, beginning at 5:20 PM on July 30, 1965, and continued their demonstration in the vicinity of the Induction Center until 6:51 PM. The numbers participating in the demonstration fluctuated, with the peak number being twenty-five. At any one time there were no more than five Negroes on the picket line, being outnumbered by the Caucasians in a ratio of from four to one to 24 to one, at various times during the evening. At 6:10 PM, there were 20 males and five females on the line, and out of that number there was only one Negro male marching.

Picket signs being carried during this demonstration at the Induction Center included the following:

- "A Great Society Would Get Out of Vietnam"
- "Get U.S. Troops Out of Vietnam"
- "Democracy in Veitnam and America Now"
- "Freedom Now in Vietnam"
- "No War"
- "Stop the War"
- "All the Way with LBJ?"
- "Bring Americans Home Now"
- "Committee to End the War in Vietnam"
- "End Napalm Horror"
- "We Voted for Negotiation - Not Escalation"
- "Humphrey You Lied"
- "End the Murder of Innocent People"

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DEMONSTRATIONS PROTESTING
UNITED STATES INTERVENTION
IN VIETNAM;
COMMITTEE TO END THE WAR IN
VIETNAM (CEWV)

The "UCLA Summer Bruin," a campus newspaper issued during the summer session at the University of California at Los Angeles (UCLA), contained an advertisement on page 3, in columns two and three, of the Friday, July 30, 1965, issue, announcing the meeting to be held at the Militant Labor Forum Hall. This indicated the following individuals would speak at the meeting being held at 8:30 PM that evening:

Dorothy Balassa, Committee to End the War in Vietnam;
John Haag, W.E.B. DuBois Clubs;
Margaret Thorpe, Students for a Democratic Society (SDS);
Jimmy Garrett, Student Nonviolent Coordinating
Committee (SNCC);
Derrel Myers, Young Socialist Alliance;
Moderator - Hugh Manes, American Civil Liberties
Union attorney

John Haag, described above as a representative of the DCA, was noted to be carrying a sign reading, "Committee to End the War in Vietnam," in the Friday evening picket line. Jimmy Garrett of SNCC was also in the picket line, as was Ronald Buel Ramsey, self-styled head of the Freedom Fighters.

Source Two advised that approximately 120 persons attended the meeting at the Militant Labor Forum Hall, Friday night, July 30, 1965. All the above-listed individuals spoke at this meeting, which was moderated by Hugh Manes. The meeting was in the nature of a panel forum discussion on the topic, "New Youth and the 'Old Left'." In addition to the above speakers, Cathy Gallagher, who was introduced as a member of the Young People's Socialist League, youth group of the Socialist Party, also spoke. She indicated she was happy to appear on the same program as Derrel Meyers, stating that she and he had both been arrested during a demonstration some months previously in San Francisco, California.

During the meeting, Jimmy Garrett said words to the effect, "We have to organize the wives of the servicemen in Vietnam, and have them convince their husbands not to fight."

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DEMONSTRATIONS PROTESTING
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VIETNAM (CEWV)

We also have to organize the mothers of the Americans serving in Vietnam and have them go to Sacramento and protest. Even if the mothers don't do anything more than create confusion in the State Capital, they should be sent there to do just that."

In response to a question from the audience, "When and if Hanoi is bombed, what will be the response of the 'new left'?" Cathy Gallagher said, "I will go and fight with the Viet Cong against this imperialist United States - of course, my husband may not let me go, but that would be my response." Derrel Myers said he felt that his place would be right here in the United States, helping to organize the militant left under such a circumstance.

When Dorothy Balassa was introduced at this meeting, it was announced that she had visited Cuba in 1960, and that she was currently the co-chairman of the CEWV, along with Margaret Thorpe. Dorothy Balassa and her husband, John Balassa, had been observed arriving at the picket line at the Induction Center earlier in the evening.

At this meeting, Friday evening, July 30, 1965, Ronald Buel Ramsey stated that he was leaving by car for Washington, D.C., on Monday, August 2, 1965, to participate in the Congress of Unrepresented People (COUP) being held in Washington, on August 6 through 9, 1965.

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An article in the February 13, 1965, issue of the "New York Times," newspaper published daily in New York City, noted that Ramsey had been arrested in Algiers, Algeria, on December 29, 1964, suspected of being a "counter revolutionary communist." In interviews with

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DEMONSTRATIONS PROTESTING
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IN VIETNAM;
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FBI Agents between 1953 and 1965, [redacted] affiliation with a number of communist dominated organizations and the formation of several organizations of his own. A leaflet from the Freedom Fighters (FF) in July, 1965, listed Ron Ramsey as FF chairman, and stated, "no matter what your concern, John Bircher, civil rights to communist -- welcome."

Source One advised representatives of the CEWV formed a picket line at the Federal Building in the Civic Center of downtown Los Angeles, Saturday, July 31, 1965, beginning at 2:00 PM. The picket line included members of the DCA, SDS, YSA, and Women Strike for Peace (WSP). The main demonstration lasted until 5:00 PM, and 125 people were in the line at the height of the picketing. A counter picket line of six members of the American Nazi Party (ANP - see appendix) was conducted peacefully from 2:00 to 3:00 PM.

A public address system was set up and various individuals present addressed the assembled demonstrators. Hugh Manes, American Civil Liberties Union attorney, was one of the speakers, and he encouraged any of the young men of draft age present to give serious consideration to refusing to answer any draft call, and urged them to tear up their draft cards, or if already in the armed forces to refuse to fight in Vietnam. He also urged anyone present who was employed in defense industry to refuse to work on any war materials that might be going to Vietnam. He also urged those present to sign a petition, titled "Declaration of Conscience Against United States Policies in Vietnam and the Dominican Republic," which contained wording similar to Manes' own statements, with the exception that it did not mention the destruction of draft cards. This petition contained a warning in italics stating, "NOTE: Signing or distributing this Declaration of Conscience might be construed as a violation of the Universal Military Training and Service Act, which prohibits advising persons facing the draft to refuse service. Penalties of up to 5 years imprisonment, and/or fine

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VIETNAM (CEWV)

of \$10,000 are provided. While prosecutions under this provision of the law almost never occur, persons signing or distributing this declaration should face the possibility of serious consequences."

Many of the picket signs were similar to those used the previous day, and in addition one reading, "Speak for Yourself at the Congress of Unrepresented People Workshop, Exposition Park, August 7 and 8," was observed.

Michael Boyd Hannon, suspended police officer, Los Angeles Police Department, spoke briefly, stating that the United States had no business in Vietnam, and urging that Vietnam be allowed self-determination to settle their internal differences.

The demonstrations on both Friday and Saturday, July 30, 31, 1965, Forum Hall, were held without incident, and no arrests were made.

With the exception of [redacted] Source Three has advised that all other individuals mentioned in this memorandum as participating in the above affairs, were active in the Committee to End the War in Vietnam, and have attended various meetings of that organization.

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Sergeant [redacted] 115th INTC, Region II, Pasadena, was advised of the proposed demonstrations at 8:25 AM, July 30, 1965. Duty Agent [redacted] 115th INTC, was advised of the results of the demonstration on July 30, 1965, at 7:17 PM that date, and was advised of the results of the demonstration on July 31, 1965, at 5:30 PM that date.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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**DEMONSTRATIONS PROTESTING UNITED STATES
INTERVENTION IN VIETNAM;**

COMMITTED TO END THE WAR IN VIETNAM (CEWV)

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APPENDIX

**AMERICAN NAZI PARTY,
LOS ANGELES, CALIFORNIA (ANPLA)
also known as the American Nazi Party
Western Division (ANPWD)**

A source has advised on August 2, 1963, that the American Nazi Party, Los Angeles, California (ANPLA), which branch has also been known as the American Nazi Party, Western Division (ANPWD), came into existence as follows:

In October, 1960, [] was made a member of the American Nazi Party (ANP) by the national headquarters of that group as a result of his leading a picket line protesting the marriage of a Negro to a Caucasian. At that time [] told the Los Angeles Police Department he was in complete accord with the thinking of GEORGE LINCOLN ROCKWELL, National ANP leader. He said [] is trying to wake up the people to what is going on; that the Jewish-owned press and radio would not let the people know the truth.

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On March 7, 1962, GEORGE LINCOLN ROCKWELL advised a Special Agent of the Federal Bureau of Investigation that [] was one of his leaders in Los Angeles.

At a press conference on May 2, 1963, in Los Angeles, California, RALPH PERRY FORBES stated he is a lieutenant in the ANP and the ninth-ranking officer of the organization. He stated he arrived in Los Angeles May 1, 1963, to take charge of the party's headquarters in the Los Angeles area, which has control over party activities in the Southwestern United States.

GEORGE LINCOLN ROCKWELL arrived in Los Angeles on May 6, 1963, and was photographed by the local press with RALPH PERRY FORBES. ROCKWELL was quoted by the press as saying he came to Los Angeles because of the arrest of five members of the ANP as a result of an altercation at the Shrine Auditorium on April 28, 1963, where a Salute to Israel rally was being held. He was also quoted as stating local headquarters were to be established in California.

APPENDIX

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 21

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